

IN THE
COURT OF APPEALS
FIFTH DISTRICT OF TEXAS AT DALLAS

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Court of Appeals

JAN 29 2019

Lisa Matz
Clerk, 5th District

5th Court of Appeals
FILED: 02/06/2019
14:03:33
Lisa Matz, Clerk

CAUSE NO. 05-18-00567-CV

DARLENE C. BALISTRERI-AMRHEIN, APPELLANT

VS.

ATTORNEY LENNIE BOLLINGER, ET AL, APPELLEES

Appeal County Court at Law # 6, # 5, # 2, # 366, # 380, Justice Court Precinct 1,
Cause No. CC 006-02654-2017, Cause No. 005-02654-2017,
Cause No. 002-02654-2017, Cause No. 002-02663-2017,
Justice Court Precinct 1 No. 01-SC-16-00165. Court # 380 (unassigned)
Collin County, Texas Lower Courts

APPELLANT'S AMENDED BRIEF & AMENDED APPENDIX (#6)

Darlene C. Balistreri-Amrhein, Appellant, Pro Se,
112 Winsley Circle
McKinney, Texas 75071
Telephone – None

ORAL ARGUMENT REQUESTED WITH ACCOMMODATIONS

#6

COURT RECORD REFERENCES ARGUMENT IN 8 PACKETS

(Packet # 1 Court Record References) –CR, pgs. 1 – 19 itemized, costs & events;

2) Plaintiff's Original petition & Request for Discovery- CR pgs. 20 – 35;

3) Plaintiff's Motion to proceed in forma pauperis - CR pgs. 36 – 41;

4) Approved "indigent status" - CR pgs. 42;

5) Service of process by constable – CR pgs. 43-50;

6) Defendants Lennie Bollinger, et al Answers suit – CR pgs, 51 – 64;

7) Plaintiff's Motion For Leave To File Supplement Petition CR pgs. 65 – 69;

8) Plaintiff's Supplement Pleadings -CR pgs, 70 – 133 Exhibits A, B;

9) Plaintiff's Motion t. Recuse Judge Walker – CR, pgs, 134 – 139 Order transfer;

10) Defendants Motion to Dismiss & Rule 91a – CR, pgs. 140 – 158;

11) Plaintiff's Specific Facts Dismiss Rule 91 – CR. pgs. 159- 268 Exhibits, etc.; c

(Packet # 2 Court Record References.)Legal Ethics Safekeeping Property, etc.;

2) CR. pgs. 269- 383; Notice of hearing & Hospitalized, CR pgs. 384 – 385;

3) Plaintiff's Motion for Continuance CR. pgs. 386 -390;

4) Defendants' Attorneys First Amended Answer & Response, CR. pgs. 391- 408;

5) Plaintiff's Notice To Court & Attorney Stay Lawsuit- CR pgs, 409=422;

6) Defendants Response Objections to Stay & Continue Lawsuit-CR pgs. 423-428;

7) Judge Wilson denies ADA, Stay, Hearing Rule 91a "Orders" –CR pgs. 429-429;

8) Affidavit Attorney / Judge Wilson – CR pgs. 430- 433 Exhibits, Costs to 442;

9) New Supplements-CR. pgs. 452 –484 (Dad, Schroeder mug photo, arrest, etc.;

(Packet # 3 Court Record References.) Plaintiff Waiving Client – Attorney .
Privilege, Photo Damages, etc.– CR. pgs. 485 – 660;

2) Defendants' Attorneys response to Motion To Dismiss – CR pgs, 661- 678;

3) Plaintiff Second Motion To Stay & Continue Lawsuit- CR pgs. 679 – 687;

4) Plaintiff Response to Jan. 30, 2018 Order CR. pgs. 688 – 739;

5) Defendant Motion To Determine To Be “ Vexatious Litigant & Security With Security – CR pgs. 740-784 – No Attached 5 Adverse Orders in 7 years, etc.;

(Packet # 4 Court Record Reference.) Exhibits A-2 -E-1 - CR pgs. 785- 1000;

(Packet # 5 Court Record Reference.) Exhibits E-2, G-2 – Tampered With Deposition, Witness, Court Reporter, Records, Costs to CR pgs. 1001- 1127;

2) Motion to Recuse Judge Wilson & Threats To Settle -CR. pgs. 1128 – 1156;

3) Threat Offer To Settle Lawsuit – CR. pg. 1134- 1134;

4) Order to Deny Recusal- CR. pg, 1157;

5) Plaintiff Notice , Objections & Illegal Activities – CR pgs 1158 -1184;

6) Plaintiff’s First Amended Pleadings & 15 Notices (Crimes) - CR pgs 1185 – (1235 & 1236 blurred unreadable) & crimes to 1260;

(Packet # 6 Court Record Reference.) Order granting Rule 91a & Motion to Dismiss With Prejudice CR pgs. 1261 – 1262 Hearing / Hospitalized, Exhibits & Some Exhibit F (blurred & missing from Court Record to 1284;

2) Judge Wilson recuses self, report to U.S. Department of Justice CR pgs, 1285;

3) First Amend Motion Order “Vexatious Litigant” Hearing – CR. pg. 1286- 1287;

4) Judge Murphy transfer lawsuit to Judge Bender disqualified =- CR pg. 1288;

5) Plaintiff Important Information – CR. pgs. 1289 – 1427, & Exhibits;

6) Judge Mary Murphy Conditions of Assignment & Stay – CR pgs. 1428- 1429;

7) Plaintiff’s Notice & Objections of Judge Bender Transfer, Response by Bollinger’s Attorneys – CR, pgs. 1430-1466;

8) Plaintiff’s Updated Medical Information – CR. pgs 1467-1481;

(Packet # 7 Court Record Reference.) Defendant Response for hearing & Exhibits Comingle lawsuits with Prosperity Bank, et al - CR. pgs. 1482 – 1520;

2) Defendants to Plaintiff Response on Vexatious litigant & Security & use of Prosperity Bank, et al Federal Lawsuit in “conspiracy” & tampered with Deposition Court Records as invalid & past 7 years as 2009 to prejudice & discredit & still pending & active conspiracy between federal & Texas Courts – to rigged, Plaintiff, silence lawsuit & prevent no redress for any suits & denied

freedom of speech & redress for all damages, loss of property & no due process - CR, pgs. 1521- 1600 - 1899;

(Packet # 8 Court Record Reference.) Certificate of Service falsified claims filed in lawsuit, CR pg, 1900 signed by Carrie Johnson Phaneuf as many times;

2) Threats to settle lawsuit as refused, CR, pgs. 1901- 1902;

3) Plaintiff's Objections & Responses to Plaintiff Tertiary (Third Motion To Recuse in this case an incorrect Assigned disqualified trespasser with no jurisdiction & Exhibits - CR pgs. 1903 – 1932;

4) Judge Wheless Order denied Recusal of Judge Bender for his misconduct – CR pgs 1933;

5) Judge Bender Order declaring Darlene C. Amrhein “vexatious litigant,” requiring Security & issuing a prefiling Order – CR. pgs. 1934 – 1935;

6) Letter from CME on Order Judge Bender Order declaring Darlene C. Amrhein “vexatious litigant,” requiring Security & issuing a prefiling Order-CR 1936-1938;

7) “Conspiracy” with Federal Court & Texas Court, Orders – CR pgs. 1939-1959 found in Judge Bender Court file for their retaliations against Amrhein lawsuits;

8) Plaintiff Objections to Judge Bender for “good cause” – CR pgs. 1960 -2019;

9) Amended Order On Motion To Recuse Judge Bender- CR. pgs. 2020;

10) Letter on failed bond to dismiss lawsuit by Bollinger Attorney with prejudice – CR pgs. 2021- 2024;

11) Plaintiff Darlene C. Balistreri-Amrhein Sworn Affidavit – CR pgs. 2025-2052;

12) Plaintiff's Motion to Charge Sanctions , Reverse false Vexatious Litigant Refuse Dismissal of lawsuit, Service of Process to All Defendants For “Good Cause’ Reasons & Medical Stay Objections- CR pgs. 2053 -2081;

13) Judge Bender Order Dismissal With Prejudice Prohibiting New Litigation by Plaintiff Without Judicial Approval – CR pg. 2082 (back dated);

14) Filed for Service of Process to all Defendants mailed May 11, 2018, File stamped May 15, 2018 & called clerk to not do this work,-CR pgs. 2083- 2089;

15) Plaintiff's Notice of Appeal & Docket Statement – CR. pgs. 2090- 2109;

16) Plaintiff's Request Finding of Fact & Conclusion of Law May 14, 2018 My 14,

- 2018, required.- CR. 2110 –2142 (Void Judgments & CPRC Chapter 11);
- 17)** Danyelle Turner filed Notice of Appeal May 14, 2018 wrong date – CR pgs. 2143 – 2144;
- 18)** Response by Defendants' Attorneys to Finding of fact & Conclusion of law – CR pgs. 2145 – 2147;
- 19)** Communications with Court of Appeals – CR pgs. 2148=2151;
- 20)** Collin County Court letter shows date of Court of Appeal to grant more time for Court Record By Danyelle Turner extension on Court Record for manipulation with no answers for finding of fact & Conclusion of Law – CR pgs. 2152;
- 21)** Court Record Submitted – CR. pg. 2153;
- 22)** Court Record Payment by In forma Pauperis approved by Collin County Court- CR 2154; (See Collin County Court Approval Pg. 42 in same lawsuit when filed & then refused by trespasser Judge Bender after filed Appeal to keep out of Court Record with no notice to Plaintiff / Appellant as not turned over to Court of Appeals into this Court Record in retaliation by criminal, corrupt, trespasser Judge Bender with no authority, treason against U.S. Constitution & Texas Constitution
- 23)** Sensitive Data Court Records sealed, were not done – CR pgs. 2155 -2157; Known no payment as approved In Forma Pauperis in case, so false statement to Court of Appeals Court- CR pg. 2158 by Court Record Keeper, Danyelle Turner to mislead Court to blame Plaintiff for delays to tamper with Court Record in Appeal & known by Stacy Kemp;
- 24)** Plaintiff files Response & Objections to Defendants Objection to finding of fact & Conclusion of Law - CR pgs. 2159 – 2191;
- 25)** Court of Appeals communications – CR pgs. 2192-2195; Writ of Mandamus Memorandum Opinion - CR pgs. 2196 – 2197 – 2200;
- 26)** Court of Appeals list & proof of some conspiracy parties. Judge Mazzant (federal) Courts & Cases missing in Judge Paul Raleeh Court, Judge Barnett Walker, First Regional Administrative Judge Mary Murphy, Prosperity Bank, et al are missing from list by Ms. Matz – CR pgs. 2198- 2199- 2201 – 2202;
- 27)** Jennifer K. Corley Contest of Court Reporter – CR pg. 2203; Missing Court Order – CR. pg. 2204; Clerks Certificate for Appeal by Danyelle Turner & Stacy Kemp missing Court Records in all Courts- CR pg. 2205;

#6

(6)

Electronically Filed 1/22/2018 4:50 PM
Stacey Kemp County Clerk
Collin County, Texas
By: Dianna Shine, Deputy
Envelope ID: 21981471

CAUSE NO. 005-02654-2017

DARLENE C. AMRHEIN, et al,

Plaintiffs,

v.

ATTORNEY LENNIE F. BOLLINGER, AND
WORMINTON & BOLLINGER LAW FIRM,

Defendants.

COUNTY COURT AT LAW

NO. 5

[Hon. Dan K. Wilson]

COLLIN COUNTY, TEXAS

ORDER GRANTING DEFENDANTS LENNIE F. BOLLINGER AND WORMINGTON &
BOLLINGER'S RULE 91A MOTION TO DISMISS

On this day, the Court considered Defendants Lennie F. Bollinger and Wormington & Bollinger's ("Defendants") Motion to Dismiss, pursuant to Rule 91a of the Texas Rules of Civil Procedure, filed on December 22, 2017. Plaintiff Darlene Amrhein in her individual capacity and in her representative capacity on behalf of Anthony Balistreri (collectively "Amrhein" or "Plaintiff"), filed a Response on January 2, 2018. Defendants filed a Reply to Plaintiff's Response on January 19, 2018. After careful consideration of Plaintiff's Amended & Supplement Petition and Pleadings, Defendants' Rule 91a Motion to Dismiss, Plaintiff's Response to the Motion to Dismiss, and Defendants' Reply, and relevant legal authority, the Court rules as follows:

- a. It is **ORDERED** that Defendants' Rule 91a Motion is **GRANTED**.
- b. Therefore, it is **ORDERED** that the following causes of action or purported causes of action are **DISMISSED WITH PREJUDICE**: (i) all of the causes of action brought in Amrhein's representative capacity of Anthony Balistreri, deceased, or his estate or trust, (ii) Violations of the Texas Disciplinary Rules of Professional Conduct, (iii) Breach of Fiduciary Duty, (iv) Breach of Contract, (v) Fraud, (vi)

Exhibit A

Violations of the DTPA, (vii) Violations of the Texas Rules of Civil Procedure, (viii) "Bad Faith," (ix) Negligent Misrepresentation, (x) Conspiracy, (xi) violations of constitutional rights, and (xii) alleged discrimination.

- c. Plaintiff is **ORDERED** to file an amended petition removing the dismissed causes of action from her petition within 20 days of the date of this Order. Failure to comply with this Order may result in a dismissal of this case.
- d. The Court finds that the amount of fees incurred by Defendants for defense of this matter through the date of the hearing is reasonable and necessary. It is hereby **ORDERED** that Defendants' request for attorney fees and costs pursuant to Tex. R. Civ. Proc. 91a.7 is **GRANTED**. Attorney fees and costs in the amount of \$14,101.55, plus \$29.05 in expenses, are awarded to Defendants. Plaintiff is hereby **ORDERED** to pay \$14,130.60 to Defendants. Execution may issue on all sums awarded.

Signed this 30 day of January, 2018.

Signed: 1/30/2018 10:20 AM

Dan K. Wilson

JUDGE PRESIDING

Erin A. A.

COUNTY COURT AT LAW NUMBER FIVE**JUDGE DAN WILSON**

2100 Bloomdale Road, Suite 20382

McKinney, Texas 75071

Phone: (972) 548-3850

Fax: (972) 548-3855

The enclosed Discovery Control Plan and Scheduling Order must be signed by all parties and returned to the Coordinator by 4:00 p.m. the day prior to the Pre-trial Conference date. If not, your presence is required at the Pre-trial Conference. If you cannot be at the pre-trial conference promptly at the time specified, you must fax in your announcement to the Court by 5:00 p.m. on the previous day. You may fax the plan and/or trial announcement to (972) 548-3855. *The following dates are subject to change.*

Bench Trial Dates at 1:30 p.m.**Formal Pre-Trial at 10:00 a.m.**

January 18, 2018
February 22, 2018
March 22, 2018

January 11, 2018 (if needed)
February 15, 2018 (if needed)
March 15, 2018 (if needed)

Jury Trial Dates at 9:00 a.m.**Formal Pre-Trial at 10:00 a.m.**

January 16, 2017
February 19, 2018
March 19, 2018

January 11, 2018 (required)
February 15, 2018 (required)
March 15, 2018 (required)

You may check the status of civil cases by visiting www.collincountytx.gov. Under departments, click on Online Services, then click Case Look up - Civil or by calling the civil clerk at (972) 548-6432.



**CAUSES OF ACTION THIS COURT ORDERS TO BE REMOVED TO
OBSTRUCT JUSTICE & COMMIT "FRAUD UPON THE COURT"**

(Exhibit A)

- 1) **Texas Rules of Civil Procedure** is not a causes of action to be removed, but laws to be followed as a matter of law & Rule of Law as legislated with due process as required before the loss of property & assets;
- 2) **United States Constitution**, Amendments / Bill of Rights are not causes of action to be removed, but enforced as a matter of law & Rule of Law with due process as required before the loss of property & assets promised to all citizens;
- 3) **Violations of Texas Disciplinary Rules of Professional Conduct** is a requirement of all Defendants Bar license to Practice in the State of Texas & subject to discipline, suspension & loss of license to practice; - Cause of Action & apart of Legal Malpractice;
- 4) **Breach of Fiduciary Duty** - Cause of Action & apart of Legal Malpractice;
- 5) **Breach of Contract** - Cause of Action & Apart of Legal Malpractice;
- 6) **Fraud** - Various Frauds are apart of Legal Malpractice;
- 7) **Violations of DTPA** are apart of Legal Malpractice if used against law;
- 8) **Bad Faith** - Bad Faith is apart of Legal Malpractice as used in this lawsuit;
- 9) **Negligent Misrepresentation** is apart of the Legal Malpractice in lawsuit;
- 10) **Conspiracy** is apart of the Legal Malpractice in this lawsuit & 5 Defendants;
- 11) **Alleged Discriminations** is apart of the Legal Malpractice in lawsuit;

Exhibit A - January 30, 2018 Court Order, which is invalid as Notice of Motion To Stay & Continue this lawsuit on inactive docket due to Plaintiff's disability & Federal Laws under the Americans With Disabilities Act - ADA on January 16, 2018 in effect & abuse of discretion by Judge Dan Wilson to deny Plaintiff;

Exhibit A is invalid on Motion To Dismiss by TRCP 91a because no hearing was conducted in 60 days by February 6, 2018 required, Defendants Attorney aware of ADA as filed notice to this court, making this January 30, 2018 invalid in all things as claimed, including any & all attorneys fees with continued harassment & threats more than 24 times by this Court and Defendants Attorneys since January 16, 2018;

Exhibit A

CAUSE NO. 005-02654-2017

DARLENE C. AMRHEIN, et al,

Plaintiffs,

v.

ATTORNEY LENNIE F. BOLLINGER, and
WORMINTON & BOLLINGER LAW FIRM,

Defendants.

COUNTY COURT AT LAW

NO. 5

[Hon. Dan K. Wilson]

COLLIN COUNTY, TEXAS

ORDER DENYING

"PLAINTIFF'S NOTICE TO THE COURT, SAID JUDGES, TO ALL DEFENDANTS AND THEIR
COUNSELS TO STAY & CONTINUE THIS LAWSUIT REMOVING IT OFF THE ACTIVE
DOCKET SHEETS FOR 'GOOD CAUSE' REASONS"

Before the Court is Plaintiff's document entitled "Plaintiff's Notice to the Court, Said Judge, to All Defendants and Their Counsels to Stay & Continue this Lawsuit Removing it off the Active Docket Sheets for 'Good Cause' Reasons," filed on January 16, 2018. Defendants filed a Response in Opposition.

After considering Plaintiff's Notice to the Court, Defendants' Response in Opposition, and relevant authority, the Court **ORDERS** as follows:

Plaintiff's Notice to the Court, filed on January 16, 2018, including her requests to stay this litigation and continue the hearing on Defendants' Rule 91a Motion to Dismiss is **DENIED**.

It is further **ORDERED** that Defendants' Rule 91a Motion to Dismiss is set for hearing by written submission on January 25, 2018.

It is **ORDERED** that Defendants are permitted to file and submit a Reply to Plaintiff's Response to the Motion to Dismiss by January 22, 2018.

Signed this 17 day of January, 2018.

Signed: 1/17/2018 09:58 AM

Dan K. Wilson

JUDGE PRESIDING

E. Whelton
A.



COBB MARTINEZ WOODWARD

Carrie J. Phaneuf
214.220.5206

214.220.5256 | direct fax
cphaneuf@cobbmartinez.com

February 7, 2018

Via Priority Overnight Mail

Darlene Amrhein
112 Winsley Circle
McKinney, TX 75071

Re: *Amrhein v. Bollinger, et al; Cause No. 005-02654-2017 in the Collin County Court at Law No. 2, Collin County, Texas.*

TRE 408 SETTLEMENT COMMUNICATION

Dear Ms. Amrhein:

On behalf of Lennie Bollinger and Wormington Law Group, PLLC d/b/a Wormington and Bollinger ("Defendants"), I have been authorized to make the following offer of settlement to you in the above matter:

In an effort to avoid any further expense of the litigation, and without admitting any wrongdoing, Defendants will agree to not pursue collection of the \$14,130.60 in fees and costs awarded to them by the Court's January 30, 2018 Order on their Rule 91a Motion to Dismiss in exchange for your agreement that:

1. You will dismiss with prejudice all of your remaining claims in Cause No. 005-02654-2017 currently pending in the County Court at Law No. 5 of Collin County, Texas;
2. You will agree to execute a settlement agreement that releases any and all claims you have asserted or could have asserted against Defendants related to Anthony Balistreri, in your individual and representative capacity, as well as any and all claims you have asserted or could have asserted against Defendants related to the lawsuit against David Schroeder filed as Cause No. 01-SC-16-00165 in the Justice of the Peace, Precinct 1 of Collin County, Texas and later appealed to County Court at Law No. 2, Cause No. 002-2663-2017; and
3. You agree that the terms of the settlement will remain confidential.

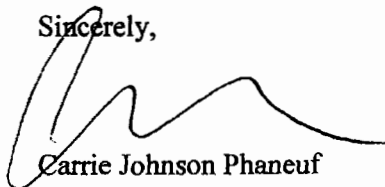
Elizabeth B.

This offer will remain open until 5:00 p.m. on February 13, 2018.

If you do not agree to this offer, please send certified funds in the amount of \$14,130.60 made out to Cobb Martinez Woodward PLLC IOLTA Trust Account on or before February 28, 2018. The certified funds should be sent to my office address below and to my attention. Please note that if there is a failure to remit these funds, Defendants will use any and all legal remedies available to them to pursue collection of same.

I look forward to your response.

Sincerely,



Carrie Johnson Phaneuf

CJP:klh
CMW176571v1

Exhibit B.

**FIFTH CIRCUIT
OFFICE OF THE CLERK**

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

Ms. Darlene C. Balistreri-Amrhein
112 Winsley Circle
McKinney, TX 75071

Exhibit C

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

November 06, 2017

Ms. Darlene C. Amrhein
112 Winsley Circle
McKinney, TX 75071-0000

No. 17-41017 Darlene Amrhein v. USA, et al
USDC No. 4:16-CV-223

Dear Ms. Amrhein,

We have received and filed your motion for in forma pauperis which does not contain a certificate of compliance, pursuant to Fed. R. App. P. 32(g)(1) and 27(d)(2)(A). You must mail your sufficient motion that includes this certificate of compliance within 10 days of this date to the 5th Circuit.

We are returning a copy of the motion to you for use in preparing this certificate of compliance.

Sincerely,

LYLE W. CAYCE, Clerk

Dawn Shulin

By:
Dawn M. Shulin, Deputy Clerk
504-310-7658

Exhibit C

2/9/2018

USPS.com® - USPS Tracking® Results

USPS Tracking®

FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Tracking Number: 70170530000064165986

Remove X

The package is delayed and will not be delivered by the expected delivery date. An updated delivery date will be provided when available. The delivery status for this item has not been updated as of February 7, 2018, 10:07 pm.

In-Transit, Delayed

February 7, 2018 at 10:07 pm
Delivery status not updated

Get Updates ✓

Text & Email Updates	✓
Tracking History	✓
Product Information	✓

See Less ^

Can't find what you're looking for?

Go to our **FAQs** section to find answers to your tracking questions.

FAQs (<http://faq.usps.com/?articleId=220900>)

9865 9149 0000 0650 2102

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CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Certified Mail Fee \$40.00
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.00
Total Postage and Fees \$0.00

Postmark
Here

02/03/2012

Sent by *Cash*
Street and Apt. No., or PO Box No. *1700 Pacific Ave.*
City, State, ZIP+4

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Exhibit D

CAUSE NO. 005-02654-2017

DARLENE C. AMRHEIN, et al
Plaintiffs,

COUNTY COURT AT LAW

V.

NO. FIVE (5) JUDGE WILSON

ATTORNEY LENNIE F. BOLLINGER, AND
WORMINGTON & BOLLINGER LAW FIRM
Defendants, et al Defendants

COLLIN COUNTY, TEXAS

**PLAINTIFF'S RESPONSES TO JANUARY 30, 2018 ORDER ON
MOTION TO DISMISS PORTIONS OF THIS LAWSUIT THAT IS
CHALLENGED BY MOTION FOR RECONSIDERATION
FOR "GOOD CAUSE" REASONS**

Darlene C. Balistreri-Amrhein, Plaintiff, Pro Se, Trustee
For Anthony J. Balistreri, Deceased Plaintiff
112 Winsley Circle
McKinney, TX. 75071

FILED
COUNTY COURT AT LAW
2018 FEB -6 AM 11:43
STACEY KEMP
COUNTY CLERK
COLLIN COUNTY, TEXAS
BY: *E. Howard* DEPUTY

Exhibit E

[\(http://www.johnstontobey.com/\)](http://www.johnstontobey.com/)

LEGAL MALPRACTICE

Home (<http://www.johnstontobey.com/>)

> Dallas Legal Services (<http://www.johnstontobey.com/legal-services-dallas/>) > Legal Malpractice

The fact that you lose a lawsuit does not mean you have a good legal malpractice case. In most legal matters—especially those that go to trial or arbitration—one side wins and the other loses. Dallas Law Firm Johnston Tobey Baruch is well known for representing clients having legitimate legal malpractice claims. An effective legal malpractice claim must prove four elements:

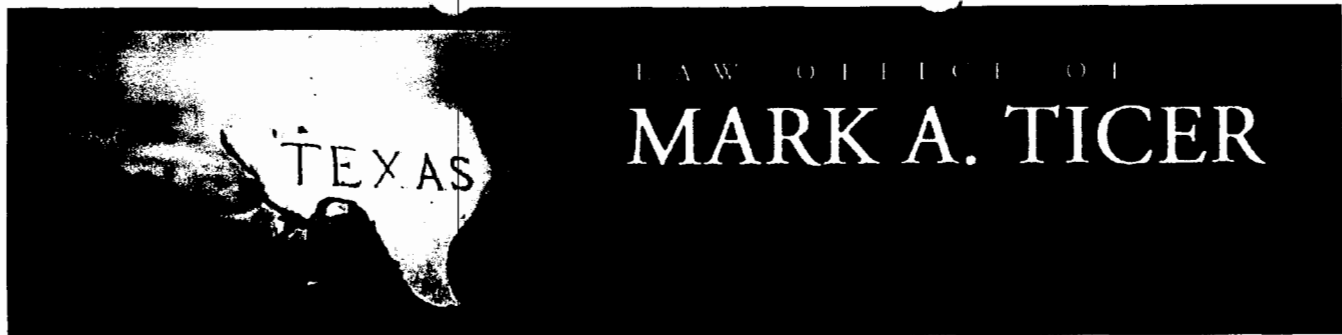
- The defendant/attorney had a duty to the client, usually arising from an attorney/client relationship.
- There was a breach of that duty by acts that were not those of a prudent attorney.
- The breach of duty by the attorney caused you injury.
- Damages were incurred because of that injury. In civil trials, those damages are usually monetary.

Johnston Tobey Baruch has a storied track record handling disputes over legal fees and grievance claims against attorneys. If you believe you have a legitimate legal malpractice claim, give us a call.

The publishing of results obtained by Texas law firms is limited by Comment #4 to Rule 7.02 of the Texas Disciplinary Rules of Professional Conduct. The rule states that advertising which reports a lawyer's achievements on behalf of former clients "may be misleading if presented so as to lead a reasonable person to form an unjustified expectation" of similar results. We are proud to discuss our past successes with you. If you are interested in this, please contact us.

Exhibit 7

AREAS OF PRACTICE

**Law Office of Mark A. Ticer**

10440 N. Central Expressway, Ste. 600
Dallas, TX 75231
Phone: 214-219-4220
Toll Free: 800-963-3378
Fax: 214-219-4218
[Dallas Law Office Map](#)

LEGAL MALPRACTICE AND BREACH OF FIDUCIARY DUTY

Holding Texas Attorneys Accountable to Their Clients

Some lawyers refuse to handle cases that may involve suing another lawyer. But we do. We genuinely value the reputation of our profession and insist on lawyer accountability just like any other professional. Lawyers do not deserve special treatment to avoid liability for their misconduct, negligence, misrepresentations or dishonesty. If you have lost a case, been deprived of your day in court, your attorney was unprepared, or your attorney was dishonest, please contact The Law Office of Mark A. Ticer in Dallas, Texas.

Attorneys Owe the Highest Duties to their Clients

There is no right to be a lawyer – it is privilege. Lawyers owe the highest obligations to their clients – duties of honesty, candor, loyalty, to make full disclosures, to maintain client confidences and communications, to zealously represent their clients, to only take on representation of a matter to which they are competent to handle, to carry out their representation of a client within the standard of care, and to keep a client reasonably informed. The failure to carry out any one or more of these duties may be legal malpractice or breach of fiduciary duty. An honest or simple mistake by a lawyer may not be legal malpractice, but contacting an experienced and knowledgeable attorney who can evaluate what happened and why, or when damages or injury results is reasonable and a smart thing to do.

Examples of Legal Malpractice and Breach of Fiduciary Duty

Legal malpractice and breach of fiduciary duty takes on many forms, including:

1. Failure to file a lawsuit within the legal statute of limitations;

Exhibit 7

MIHM

WHAT WE ARE WHAT WE DO
OUR FIRM OUR PEOPLE OUR PASSION



LEGAL MALPRACTICE

Our Experience With Legal Malpractice Litigation



The legal malpractice attorneys at Ogborn Mihm LLP are among the most experienced in the United States at handling complex, hard-fought attorney professional liability cases. *U.S. News & World Report-Best Law Firms* ranks Ogborn Mihm, LLP as a Tier 1 Firm in the field of Legal Malpractice - Plaintiff.

Michael Mihm heads our plaintiff legal malpractice group, which includes Mike Ogborn, Susan Hardie Jacks, Elizabeth "Betsy" Hyatt, Peter McClenahan, Thomas Neville, Michael Cross, Clayton Wire, Nicole Quintana and James Fogg. Michael Mihm is one of the few plaintiff attorneys in the United States who is a board-certified specialist in legal malpractice law (by The State Bar of California Board of Legal Specialization).¹

While we represent both individuals and businesses, most of our plaintiffs' professional liability cases are for businesses or

Exhibit 7

✉ (/CONTACT-US) 📞 (TEL:+18888698847)

BUSINESS TRIAL GROUP

(/)

PROFESSIONAL MALPRACTICE

You pay professionals for their services because you want the job done right. Professional malpractice can cause major financial setbacks and burden you with fixing mistakes that were in no way your fault.

Professional malpractice can have far-reaching consequences.

Professionals are bound by standards of conduct and required to perform in accordance with those standards at all times. When sound practices are not followed and damages occur as a result, you may be able to recover your losses through a malpractice claim.

The Business Trial Group has a history of helping clients recover losses in insurance, legal, engineering, accounting, and other malpractice lawsuits. We handle all cases on a contingency-fee basis (<https://www.businesstrialgroup.com/contingency-fee-litigation/>). You will not be charged any up-front legal fees, and we will not be paid unless and until we successfully resolve your case.

Discuss a potential malpractice claim during a no-cost, no-obligation case review (<https://www.businesstrialgroup.com/contact-us/>)

LEGAL MALPRACTICE

All attorneys are required to adhere to their state's Rules of Professional Conduct, a body of regulations that requires, in broad terms, a thorough understanding of the law and a commitment to communicating it transparently and accurately to clients.

Legal malpractice (<https://www.businesstrialgroup.com/news/damaged-attorneys-error/>) or negligence can take any of the following forms:

- Failure to keep the client informed about essential case information.
- Failure to account for important deadlines or requirements, such as the statute of limitations for the case.
- Errors that lead to a case being dismissed or lost.
- Conflicts-of-interest, such as representing opposing parties.
- Misuse or theft of client resources.
- Failure to obtain client consent for any legal path or action.
- Errors in drafting agreements or other legal documents.

Legal malpractice can have lifelong repercussions for its victims. When you go to a lawyer, you are often already in a vulnerable situation. You rely on the expertise and professional conduct of your attorney to help you navigate the legal system.

In cases where the lawyer's misconduct (<https://www.businesstrialgroup.com/news/legal-malpractice-claims-costing-more-settling-sooner-research-shows/>) results in a lost case or a missed opportunity to recover losses, it is important to talk to an experienced attorney as soon as possible.

Exhibit 7



Dallas Legal Malpractice Attorney

Texas Attorney Negligence

Legal malpractice cases can be very complicated and require attention to detail, knowledge of the law and dedication from your attorney. Because these cases are complex, it is critical to work with an attorney who is experienced and has a proven track record.

At the Law Offices of Brian H. Fant, P.C., we assist clients in Dallas, Texas, and across the state with representation in legal malpractice and medical malpractice cases. With nearly 30 years of legal experience, lead attorney Brian H. Fant has the knowledge, understanding and dedication to achieve successful results for his clients.

What Defines Legal Malpractice?

Many times, legal malpractice cases involve attorney error where the lawyer misses the statute of limitations or fails to make an appropriate claim — as a result, the client misses out on the opportunity to be fully compensated. We represent clients damaged by legal malpractice to make sure they get the compensation they deserve.

These cases can be complicated because proving malpractice requires a high attention to detail and investigation skills. Brian Fant provides highly attentive and personalized services to his clients and also has a clear understanding of how to present evidence in litigation. He is a very experienced trial attorney who has tried close to 100 cases to a jury verdict and is rated AV Preeminent — the highest peer rating on Martindale-Hubbell.

Contact a Dallas Legal Malpractice Attorney

If you value individualized attention from an experienced attorney, Brian Fant can provide the legal assistance you need. Please contact us at **214-267-8902** or through our [online contact form](#). We provide free initial consultations for new clients.

CV, BV, and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies.

Law Offices of Brian H. Fant, P.C.
8350 N. Central Expwy.

richerson law firm protecting your interests

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1234

welcome!

The Richerson Law Firm delivers comprehensive and trustworthy legal services. We strive to understand the needs of our clients to better serve them. Our company aim is to provide our clients with world class service.

[Read More](#)

Who We are

The Richerson Law Firm is a full service law firm. We provide a variety of legal services to assist you with your legal needs. Our legal service areas are Business Law, Commercial Litigation, Civil Litigation, Labor and Employment Law.

[Learn More](#)

- [Business Law](#)
- [Commercial Litigation](#)
- [Civil Litigation](#)
- [Labor and Employment Law](#)

Great Service

Understanding Clients

We understand that legal troubles can cause significant hardships and stress. We aim to alleviate our clients stress by providing quality legal representation. Send us an inquiry if you would like to know more.

Reasonable

We are on call when you need us

We aim to provide great service to our clients at an affordable price. We understand that everyone cannot pay expensive legal fees in todays economy. Our response times are often with 24 hours of your inquiry.

Contact Us!

Richerson Law Firm

210-B South Cedar Ridge Drive
Suite 101-A
Duncanville, Texas, 75116

Exhibit 7

LAW OFFICES OF ERIC G. OLSEN

Legal Malpractice, Business Litigation, Mediation/ADR

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Practice Areas

The firm focuses on three primary practice areas--legal malpractice, business and civil litigation, and mediation/ADR (alternative dispute resolution).

Legal Malpractice

The firm represents individual and business clients, usually on a contingent fee basis, when negligence or breaches of fiduciary duties on the part of their attorney or law firm causes them serious financial harm. Please call for a free consultation. Mr. Olsen is licensed to practice law in both Florida and Texas and welcomes the opportunity to review significant legal malpractice cases in either state.

Business and Civil Litigation

The firm handles various business and civil litigation matters, on either an hourly or contingent fee basis, depending upon the nature of the case. These litigation matters often involve one or more of the following: Breach of Contract, Fraud, Deceptive Trade Practices, Trade Secrets, Tortious Interference, Commission Disputes, Insurance Bad Faith, and Breach of Fiduciary Duty.

Mediation/Alternative Dispute Resolution (ADR)

Mr. Olsen began his mediation practice in 1998 in Florida as a Circuit Civil Mediator certified by the Florida Supreme Court. On returning to Texas in 2012, he took the steps necessary to become a Credentialed Mediator, certified by the Texas Mediator Credentialing Association, and is expanding his Texas mediation practice while maintaining his legal malpractice and business litigation practices. Whether representing one of the parties, or as a mediator, Mr. Olsen has been involved in numerous mediations involving cases as diverse as breach of contract, fraud, deceptive trade practices, trade secrets, tortious interference, commission disputes, insurance bad faith, legal malpractice, and breach of fiduciary duty.

Personal Injuries, Medical Malpractice, and Wrongful Death

Firm History

Mr. Olsen's career path then took him from large defense firms, to a small plaintiff's litigation boutique, and finally to his own trial practice in downtown Dallas. Licensed to practice in both Texas and Florida, Mr. Olsen moved, in July 1997, to Jensen Beach, on the Treasure Coast, where he continued to represent businesses and individuals primarily in cases involving legal malpractice, business and civil litigation, mediation/ADR. Mr. Olsen will also review cases involving serious personal injuries, medical malpractice and wrongful death. In June 2012, he moved his family to Austin, opened his Round Rock office, and continues to serve clients in both states.

The firm represents both plaintiffs and defendants, on either an hourly or contingent fee basis, depending on the nature of the case.

Law Offices of Eric G. Olsen

**1000 Heritage Center Circle
Round Rock, Texas 78664
Tel: (512) 201-4348
Fax: (512) 201-4349
Email: ego@egolaw.com**

In Florida By Appointment
Tel: (772) 225-3393
Fax: (512) 201-4349
Email: ego@egolaw.com

We would welcome the opportunity to discuss your legal problems or issues with you, in person or on the phone.

We will review substantial legal malpractice or business litigation cases, as well as cases involving serious personal injuries, medical malpractice, and wrongful death, arising anywhere in Texas or Florida.

We are also available to serve as a Credentialed Mediator in Austin, Round Rock, Georgetown, and surrounding counties.

Exhibit 7

MENU

CONTACT

**NOWAK & STAUCH***A Limited Liability Partnership*

214-272-0169



VIEW OUR PRACTICE AREAS

CONTACT

Contact the Dallas Attorneys of Nowak & Stauch, LLP

At Nowak & Stauch, LLP, our lawyers are committed to delivering the highest level of legal representation along with responsive, attentive client service. Our law firm represents businesses across a broad spectrum of industries in litigation and basic corporate services. At the outset of every assignment, we will devise a strategy that gives our client the best chance of achieving its objectives. We are equally adept at resolving complex disputes through settlement negotiations. Whether by agreement, trial or arbitration, we will zealously represent your company to achieve your goals.

Based in Dallas, we represent companies across the DFW Metroplex and throughout North Texas. To schedule a consultation with our law firm, call 214-272-0169 or complete the contact form below.

Bold labels and * indicate required information.

Personal Information

Name

Exhibit 7

4054 McKinney Avenue, Suite 310
Dallas, Texas 75204
Tel. 214-742-1701
Fax. 214-745-8935

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Texas Legal Malpractice Attorney



Since 1976, Lawyer David W. Shuford has represented many plaintiffs in *major* legal malpractice cases against both Texas and out-of-state law firms. He began practicing law in 1970 and worked for two large law firms doing business transactions and business litigation. In 1976, he started his own law firm.

Because of his varied business and litigation experience, Mr. Shuford has been able to represent corporate and individual clients in cases in which they were damaged by legal malpractice in business transactions, as well as negligence in the preparation and trial of cases. He has focused his practice in legal, accounting, and other professional malpractice cases. He now concentrates in *major* plaintiffs' cases in these areas, as well as business litigation. He represents his clients on a contingent fee basis.

His cases have been against major law firms in Texas and out of state. His personal attention to the investigation and preparation of the case, as well as trying the case to a jury, are trademarks of his practice. Mr. Shuford has prosecuted cases to settlement and trial against major defense law firms.

Mr. Shuford has been selected for numerous distinctions as a lawyer, including Best Lawyers in Dallas by *D Magazine* - 2007, 2008, 2009, 2010; Texas Best Lawyers - 2008, 2009, 2010; and Best Lawyers in America - 2008, 2009, 2010.

Shuford Law Firm

Dallas, Texas

Concentrating in Major Legal, Accounting, and Professional Malpractice Cases

When you retain an attorney, you expect them to provide you with professional, competent representation, both in drafting agreements and consummating business transactions, as well as in legal research and the trial of lawsuits.

If you were represented by an attorney or law firm in either a business transaction or a lawsuit, that attorney or law firm had a duty to represent you in the same manner as an attorney of ordinary prudence would have done under the same or similar circumstances. If your attorney did not meet this standard, he breached his duty. If this breach resulted in damages, you have a cause of action against the attorney or law firm for malpractice. An experienced legal malpractice lawyer can work to resolve the harm that has been caused. Contact us for a consultation.

Legal malpractice occurs when any lawyer, such as a real estate, business, or trial attorney:

- fails to properly advise you in connection with a business transaction
- fails to properly draft documents to protect your interests
- fails to properly consummate a business transaction
- fails to properly prepare or try your lawsuit

Experienced Texas Legal Malpractice Lawyer and Accomplished Litigator

For effective legal representation by an accomplished Texas legal malpractice attorney, contact our firm. We are advocates for clients who have been wronged by Texas or out-of-state attorneys in major legal malpractice cases.

We also represent clients in business litigation involving breach of contract, fraud, tortious interference and other related matters.

Putting a Wealth of Experience to Work for You

The Dallas Shuford Law Firm is dedicated to offering excellent personal service from an experienced attorney. Although many lawyers hesitate to take other lawyers to court, attorney David W. Shuford is not afraid of the challenge of confronting other legal professionals.

Because Mr. Shuford got his start as a lawyer working for large, established law firms, he understands their operation and strategies used by them and their counsel to defend legal malpractice lawsuits. Our firm has developed an impressive track record. With an excellent reputation within the Dallas legal community, Mr. Shuford often receives referrals from other attorneys.

EX Herbert F

Law Offices of James E. Pennington

Phone: 214-741-3022
Email: jep@jeplawyer.com

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LEGAL MALPRACTICE ATTORNEY

In Texas, a legal malpractice action is based on negligence. Lawyers are held to the standard of care of a reasonably prudent attorney. A lawyer is negligent if as an attorney of ordinary care would have acted under the same or similar circumstances. On the other hand, a lawyer who makes a reasonable decision in the case may not be held liable if the decision later proves to be imperfect. *Cosgrove v. Grimes* 774 S.W. 2d 662 (Tex. 1989).

Lawyers also owe their clients a fiduciary duty. In Texas, lawyers are held to the highest standards of ethical conduct in dealing with their clients. A lawyer must conduct his or her business with inveterate honesty and loyalty, always keeping the client's best interest in mind. A lawyer's fiduciary duty requires that he fully disclose to the client all material facts, that the lawyer refrain from self-dealing, and that he act in abundant good faith, which requires absolute candor, openness, honesty and the absence of concealment or deception. When a lawyer breaches his fiduciary duty, he may be required to forfeit some or all of his fees, in addition to compensating the client for damages as a result of the breach of fiduciary duty.

Proving a lawyer was negligent or breached his fiduciary duty can be difficult. Attorneys generally do not acknowledge mistakes they have made, and trying to litigate your legal file on your own can be complicated. These cases can be challenging even for lawyers because there are many unique laws governing legal malpractice. That's why it's important to hire an attorney who is experienced in suing lawyers and who is capable of holding lawyers accountable for their actions.

Even though most cases settle before going to court, it is important to have an attorney on your side that is experienced and willing to go to court should that be necessary. Unless the other side knows that your attorney is experienced and willing to try your case, you will never obtain the best settlement for your case.

900 Jackson Street, Suite 440, Dallas, TX
Phone: 214-741-3022 Fax: 214-741-3055
Email: jep@jeplawyer.com

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Exhibit 7

CERTIFICATE OF SERVICE

A true and correct copy of Plaintiff's Timely First Amended Pleadings And 15 Notices And Plaintiff Response to January 30, 2018 (Returned) And Plaintiff's Objections For "Good Cause" Reasons was served by Certified Mail through the United States Post Office on or about Feb. 12, 2018 to the following:

Collin County Courthouse

Certified 7017 0530 0000 6416 6044

County Court at Law No. 5

Honorable Dan K. Wilson

Attn: Collin County District Clerk's Office

2100 Bloomdale Rd.

McKinney, TX 75071

Cobb, Martinez, Woodward, PLLC

Certified # 7017 0530 0000 6416 6037

Attorney Carrie Johnson Phaneuf

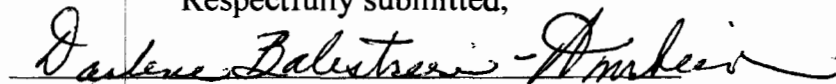
1700 Pacific Avenue, Suite 3100

Dallas, TX. 75201

CERTIFICATE OF CONFERENCE

There was no conference filed & served because Plaintiff is too sick, in pain & medicated from hospital discharge.

Respectfully submitted,



Darlene Balistreri-Amrhein, Plaintiff, Pro Se and

Representative for Deceased Anthony J. Balistreri

2/11/18

vi.

202

208

202

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al,

Plaintiffs,

v.

ATTORNEY LENNIE F. BOLLINGER,
WORMINGTON & BOLLINGER LAW FIRM,

Defendants.

COUNTY COURT AT LAW

NO. 6

[Hon. Jay A. Bender]

COLLIN COUNTY, TEXAS

FIRST AMENDED NOTICE OF HEARING FOR DEFENDANT'S MOTION FOR AN
ORDER DETERMINING PLAINTIFF DARLENE AMRHEIN
TO BE A VEXATIOUS LITIGANT AND REQUESTING SECURITY

TO THE HONORABLE JUDGE OF SAID COURT:

PLEASE TAKE NOTICE that *Defendant's Motion for an Order Determining Plaintiff Darlene Amrhein to be a Vexatious Litigant and Requesting Security*, filed on February 9, 2018, is set for hearing on **Friday, February 23, 2018 at 1:30 p.m.** in the 6th County Court at Law of Collin County, Texas.

Dated: February 14, 2018

Respectfully submitted,

By: /s/ Carrie J. Phaneuf

CARRIE JOHNSON PHANEUF
Texas Bar No. 24003790
cphaneuf@cobbmartinez.com
JENNIFER SMILEY
Texas Bar No. 24082004
jsmiley@cobbmartinez.com

COBB MARTINEZ WOODWARD PLLC
1700 Pacific Avenue, Suite 3100
Dallas, Texas 75201
Phone: 214.220.5201
ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to Darlene Amrhein, *pro se*, by via electronic service through FileTime, e-mail, and priority mail on February 14, 2018.

Darlene Amrhein
112 Winsley Circle
McKinney, Texas 75071
Winsley112@yahoo.com

/s/ Carrie Johnson Phaneuf
CARRIE PHANEUF

006-2654-2017
NO. 005-2654-2017

DARLENE AMRHEIN, ET AL.

VS.

ATTORNEY, LENNIE F. BOLLINGER
AND WORMINGTON & BOLLINGER
LAW FIRM

§
§
§
§
§
§
§
§

IN THE COUNTY COURT

AT LAW NO. 5 OF


COLLIN COUNTY, TEXAS

ORDER TRANSFERRING

Based on a recusal, this case is transferred to the County Court at Law No. 6 of Collin County, Texas.

IT IS SO ORDERED.

Signed this 14 day of February, 2018.


Mary Murphy, Presiding Judge
First Administrative Judicial Region

006-02654. 2017
CAUSE NO. 005-02654-2017

original
FILED
COUNTY COURT AT LAW
FEB 15 2018
STACEY KEMP COUNTY CLERK
BY *[Signature]* DEPUTY
@ 1:15pm

DARLENE C. AMRHEIN, et al
Plaintiffs,

COUNTY COURT AT LAW
NO. FIVE (5) JUDGE WILSON

V.
ATTORNEY LENNIE F. BOLLINGER, AND
WORMINGTON & BOLLINGER LAW FIRM COLLIN COUNTY, TEXAS
Defendants, et al

PLAINTIFF'S NOTICE TO THIS COURT FOR IMPORTANT INFORMATION

Comes Now, Plaintiff, Darlene C. Balistreri-Amrhein to file Plaintiff's Notice To This Court For Important Information as follows in this case:

- 1) Attached you will find Dr. Rajesh G. Arakal Medical diagnosis & required treatment for Plaintiff from January 26, 2018 as apart of the Spine Team & Surgeons at the Texas Back Institute, Plano, Texas;
- 2) Attached you will find a notice of a hearing on February 20, 2018 at 1:30 PM, which **Plaintiff cannot attend** due to various medical conditions, disabilities & medications;
- 3) A formal complaint for ADA & Discrimination has been filed with the Department of Justice, ADA in Washington, D.C. on or about February 7, 2018 against participants in this lawsuit for discrimination;
- 4) A formal complaint of ADA & Discrimination has been filed with the Collin County Compliance Administrator Bill Bilyeu at 2300 Bloomdale Road Suite 4192 McKinney, Texas 75071 as certified mailed & faxed with information;
- 5) A formal complaint & EEOC Charge has been filed on February 13, 2018 with information about Collin County Administration, County Court at Law No. 5, Judge Dan Wilson & Attorneys Cobb, Martinez, Woodland & Attorney Carrie

Phanuef as participants in this discrimination against Plaintiff under ADA as a senior disabled in need of medical care & treatment as denied, with continued threats & demands that Plaintiff is unable & unavailable to do;

6) If an Attorney or Law Firm is required to enforce ADA / Americans With Disabilities Act one will be provided with notice to all participants.

IN CONCLUSION AND PRAYER

The attitude, harassments, demands, threats, fears & financial threats are very offensive, along with additional personal injuries caused requiring additional complications, delays & medical treatments at Medicare & Plaintiff's expense by all participants in this lawsuit is unnecessary & an attempt to take advantage of this health circumstances for their own benefit.

Plaintiff prays this all stops now & this will be taken seriously as documented for the health & well-being of this disabled litigant as I never met any of these people, who have decided to discriminate against me since January 16, 2018 with notice of my medical disabling conditions. If not an Appeal will be filed on all these conditions for "abuse of discretion" & ADA discrimination.

Respectfully submitted,



Darlene C. Balistreri-Amrhein, Plaintiff

2/13/18

VERIFICATION / AFFIDAVIT

NO 005-02654-2017

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff, Darlene C. Amrhein, who swore in her capacity & individually on her sworn oath, deposed and said she prepared and signed

Plaintiff's Notice To This Court For
Important Information. (DCA)

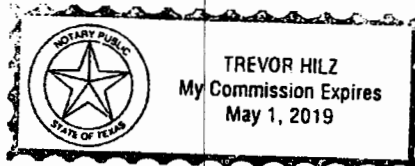
This information as referenced and stated within is true and correct and of Darlene C. Amrhein's own personal knowledge to best of her ability & documented. This state and or federal filing is for purpose of "due process," fairness, Justice under State and Federal Laws & presented in applicable Court attached as sited for this Court filing.

Darlene C. Balistreri-Amrhein

Darlene C. Balistreri- Amrhein, Plaintiff, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON February 3, 2018 to
Certify which witness my hand and official seal.

SEAL:



Trevor L. Hilz

Notary Public of Texas (Printed Name)

Trevor L. Hilz

Notary Public of Texas (Signature)

Commission Expires May 1, 2019



February 6, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

Ms. Darlene Amrhein is a 71yr old female who was evaluated on 1/26/18 secondary to cervical and lumbar related diagnoses: M47.12 cervical myelopathy, M99.31 osseous stenosis of neural canal of cervical region, M43.16 lumbar spondylolisthesis, and M99.33 osseous stenosis of neural canal of lumbar region. These diagnoses do require surgical intervention as they are currently affecting bodily function with complaints of urinary incontinence and retention, in addition to increasing difficulty with gait and coordination which can pose a threat for somebody with a diagnosis of cervical myelopathy. Pt has had to modify her daily activities; she is currently ambulating with a cane. First, I would address her cervical myelopathy with a posterior spinal fusion from C3-4 with laminectomy; this surgery is medically necessary in order to correct the level of severe cervical stenosis while providing vertebral stability. Then, I'd need to address her lumbar issues with an open 360 L4-S1. Her total post op disability time will be approximately 6 months post-operatively. Routine follow ups will be necessary in order for us to evaluate her return to work status closer to that 6 month post-op marker. Pt did require urgent work up as her symptoms have definitely deteriorated. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,

Rajesh G. Arakal, M.D.

February 12, 2018

Mr. Bill Bilyeu

Collin County Administration / ADA Compliance Coordination

2300 Bloomdale Road. Suite 4192

McKinney, Texas 75071

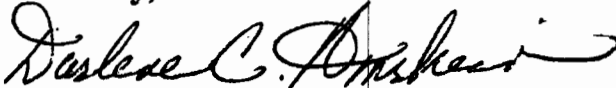
Faxed : 972-548-4699

RE: Formal Complaint on ADA, Doctor's Note & Continued Discrimination

- 1) Attached you will find Dr. Arakal's Letter describing my medical condition that is known to Judge Dan Wilson & the Collin County Court at Law No. 5 & Collin County Administration;**
- 2) Attached you will also receive the continued discrimination & violations of the Americans With Disabilities Act as continued harassment from the County Court at Law No. 5 knowing that Plaintiff is ill & unable to attend any hearings due to serious medical condition as ADA is violated again.**

I would appreciate a telephone call at my home, (972) 547-0448 as to what action is being taken to rectify this situation as I will not be present due to health reasons & my disabilities as known by this Court & all participants.

Sincerely,



Darlene C. Amrhein

2/12/18

1. E. Robert B

February 10, 2018

Collin County Administration / ADA Compliance Coordination

2300 Bloomdale Road. Suite 4192

McKinney, Texas 75071

RE: Formal Complaint on ADA, Doctor's Note & Continued Discrimination

Collin County Administrator ADA Compliance,

I wish to file a formal ADA Compliance Complaint as follows:

- 1) I filed a formal complaint with the Department of Justice, Washington D.C. on or about February 3, 2018 about participants in Collin County Case No. 005-02654-2017 at the Courthouse 2100 Bloomdale Road, McKinney, TX. 75071;
- 2) The Rehabilitation Act and § 504 applies to these court record filings and my U.S. & Texas Constitutional Rights as this is all a form of age & disability discrimination, which is actionable against Collin County, Courthouse & Judge without any immunities that can be applied as clearly stated in the laws;
- 3) Judge Dan Wilson, County Court at Law No. 5 has denied my disability as filed on January 16, 2018 with needed medical care & treatments while medicated on narcotics for serious pain & unbalanced slippage of my spine at base & at top, which is affecting my bodily functions;
- 4) I need assistance to walk, can't sit or stand for any period of time at this time;
- 5) Judge Dan Wilson refusal of my disability & 2 back surgeries needed after three hospitalization at two different hospitals on December 26, 2017, January 5, 2018 & January 26, 2018 with multiple medical proof from doctors, bills & hospitals is unbelievable, ridiculous & unnecessary, but was done for reasons of bias, prejudice & retaliation to aid Defendants Attorneys against my health & well-being;
- 6) Judge Dan Wilson was not following federal laws, Americans With Disabilities Act / ADA and Texas ADA as necessary compliance of these federal protections of Plaintiff Amrhein as a "protected class," disabled senior citizen under ADA;
- 7) Judge Dan Wilson also does not consider in forma pauperis at Collin County Courthouse as filed & ordered a \$14,100 Attorney Fees on an invalid January 30, 2018 Order contrary to this Collin County Department of financial conditions;

f.



8) Judge Dan Wilson also does not follow & enforce the Rule of Law as written & for those reason I have asked for his removal from this case as he should be impeached & removed from office as operating outside his sworn oath of office due to questionable conditions as a Collin County Judge;

9) Judge Dan Wilson has caused 22 harassments & demands made of me in about 10 days, when I am disabled & can't work without a great deal of pain, more medications & that has caused medical complications delaying my surgeries;

10) As a senior citizen on Social Security only there have been threat & demands for \$14,100 plus before February 23, 2018 by this Judge & Defendants Attorney on an invalid, "abuse of discretion" Order on January 30, 2018, which has caused me more pain, stress & pressure in a weakened condition as a poor in forma pauperis;

11) I am on Medicare & the bills have been mounting as they do not pay 20%;

12) With each demand by Judge Dan Wilson, Defendants & there Attorneys has caused 2 returns to the hospital for another 5 day stay due to pain & stress demands made increasing the Medicare Bills to the federal government & me;

13) Because of this stress & unreasonable demands as disabled I have developed an infectious disease, which delays my surgeries, because of complications & high risk to my life, fueled by Judge Wilson bias, prejudice & retaliation to assist them;

14) I hope this can be resolved without need for further attorney & legal actions;

15) I have enough to deal with at this time & 2 back surgeries aren't stubbed toe;

In Conclusion, I am asking the Collin County Administration / ADA Compliance Coordination Officer to "enforce my protected right of the Americans With Disabilities Act / ADA with this Judge as of January 16, 2018" as filed as a "protected class," which has already been turned over to the Department of Justice, ADA Department for compliance. There is no reason for these personal injuries to occur against me at the Collin County Courthouse, as a more than 16 year McKinney resident, paying Collin County property taxes. (See attached) Order of denial to Stay & Continue this lawsuit & place on the inactive docket like other litigant events. This January 30, 2018 Order needs to be withdrawn immediately in this Court Record as signed by this offending Judge Dan Wilson & any Appeals.

Darlene C. Balistreri - Amrhein

Darlene Balistreri-Amrhein, Plaintiff, 112 Winsley Circle, McKinney, TX. 75071

2/12/18

2.

Exhibit C

1295

CAUSE NO. 005-02654-2017

DARLENE C. AMRHEIN, et al,

Plaintiffs,

v.

ATTORNEY LENNIE F. BOLLINGER,
WORMINGTON & BOLLINGER LAW FIRM,

Defendants.

COUNTY COURT AT LAW

NO. 5

[Hon. Dan K. Wilson]

COLLIN COUNTY, TEXAS

NOTICE OF HEARING FOR DEFENDANT'S MOTION FOR AN ORDER
DETERMINING PLAINTIFF DARLENE AMRHEIN
TO BE A VEXATIOUS LITIGANT AND REQUESTING SECURITY

TO THE HONORABLE JUDGE OF SAID COURT:

PLEASE TAKE NOTICE that *Defendant's Motion for an Order Determining Plaintiff Darlene Amrhein to be a Vexatious Litigant and Requesting Security*, filed on February 9, 2018, is set for hearing on **Tuesday, February 20, 2018 at 1:30 p.m.** in the 5th County Court at Law of Collin County, Texas.

Dated: February 12, 2018

Respectfully submitted,

By: /s/ Carrie J. Phaneuf

CARRIE JOHNSON PHANEUF

Texas Bar No. 24003790

cphaneuf@cobbmartinez.com

JENNIFER SMILEY

Texas Bar No. 24082004

jsmiley@cobbmartinez.com

COBB MARTINEZ WOODWARD PLLC

1700 Pacific Avenue, Suite 3100

Dallas, Texas 75201

Phone: 214.220.5201

ATTORNEYS FOR DEFENDANTS

CMW 176729V1

NOTICE OF HEARING FOR DEFENDANTS' MOTION FOR AN ORDER DETERMINING PLAINTIFF
DARLENE AMRHEIN TO BE A VEXATIOUS LITIGANT AND REQUESTING SECURITY

PAGE 1



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to Darlene Amrhein, *pro se*, by via electronic service through FileTime, e-mail, and priority mail on February 12, 2018.

Darlene Amrhein
112 Winsley Circle
McKinney, Texas 75071
Winsley112@yahoo.com

/s/ Carrie Johnson Phaneuf
CARRIE PHANEUF



CERTIFICATE OF SERVICE

A true and correct copy of Plaintiff's Notice To This Court For Important Information was served by e-file or Certified Mail through the United States Post Office on or about Feb. 13, 2018 to the following:

Collin County Courthouse

Certified 7017 0530 0000 6416 6075

County Court at Law No. 5

Honorable Dan K. Wilson

Attn: Collin County District Clerk's Office

2100 Bloomdale Rd.

McKinney, TX 75071

Cobb, Martinez, Woodward, PLLC

Certified # 7017 0530 0000 6416 6068

Attorney Carrie Johnson Phaneuf

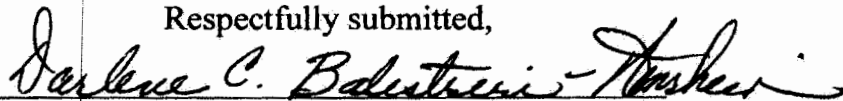
1700 Pacific Avenue, Suite 3100

Dallas, TX. 75201

CERTIFICATE OF CONFERENCE

There was no conference filed & served because Plaintiff is too sick, in pain & medicated from hospital discharge.

Respectfully submitted,



Darlene Balistreri-Amrhein, Plaintiff, Pro Se and

Representative for Deceased Anthony J. Balistreri

2/13/18

4.

CERTIFIED MAIL



7017 0530 0000 6416 6075



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FEB 15 2018
STACY KEMP COUNTY CLERK
BY [Signature]
@ 1:15 PM

County Court at Law No. 5
Judge Dan Wilson
2100 Bloomdale Road
McKenney, TX 75071

750713831E #012

original

00602654-2017

CAUSE NO. 005-02654-2017

FILED
COUNTY COURT AT LAW

FEB 15 2018

STACEY KEMP COUNTY CLERK
COLLIN COUNTY TEXAS
BY *[Signature]* DEPUTY
@ 1:15P

DARLENE C. AMRHEIN, et al
Plaintiffs,

COUNTY COURT AT LAW
NO. FIVE (5) JUDGE WILSON

V.
ATTORNEY LENNIE F. BOLLINGER, AND
WORMINGTON & BOLLINGER LAW FIRM COLLIN COUNTY, TEXAS
Defendants, et al

AFFIDAVIT OF DARLENE AMRHEIN

THE STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, on this day personally appeared Darlene Amrhein, who being by me duly sworn, upon her oath deposed and stated as follows:

1. My name is Darlene Amrhein. I am over the age of eighteen years and am competent to make this Affidavit.
2. I make this Affidavit upon my personal knowledge and all statements contained herein are true and correct.
3. At the time of this Affidavit, I am a McKinney, Texas resident homeowner as for more than the past 10 years, paying Collin County property taxes as required.
4. Every statement that I made about the following lawsuits is true & correct as Stated as follows:

I. Lawsuit 2012 United States Northern District Court Jerry Riechert et al (House)

The false Order of Plaintiff Amrhein being a "vexatious litigant" is on Appeal in the Fifth Circuit Court of Appeals as pending with no final Orders that was sent to the United States Eastern District Court with no service of process & multiple Defendants as invalid prior Court proceedings with no established jurisdiction, no hearing, no material witness testimony, no evidence before the Court, no vexatious litigant hearing, no witnesses, no contempt of Court, no listing published in Texas Judicial System, no refused court filings, but used to slander Plaintiff & silence with conflict of interest, known bias, prejudice &

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retaliation to do favors for ex-employees & friends to prevent the lawsuit on merits & "due process with enforcement of state & federal laws. When Plaintiff filed for permission under fake Vexatious Litigant Order there was no response as false & abuse of discretion. Pending & no final Order by Judicial mishandling of case & all errors by Judge Fish, Magistrate Toliver, Fifth Court of Appeals, Chief Judge Carl Stewart & interception to remove records of misconduct by clerks in U.S. Supreme Court, so this lawsuit does not qualify to be counted toward 7 years of pro se litigation as "**no final Order to date,**" not frivolous or malicious;

II. David Schroeder Lawsuit was in small claims / Justice Court was does not count as vexatious litigant, represented by Wormington & Bollinger in wrong court, no jurisdiction, wrong amount, so Court dismissed due to Attorney Bollinger errors;

David Schroeder in County Court at Law No. 2 based on false advice of small claims Court, no ruling made & nothing to appeal without prior Judge's Order, so David Schroeder lawsuits do not qualify under "vexatious litigant" claim count;

III, Defendants Wormington & Bolinger Law Firm et al & Attorney Bollinger

The purpose of vexatious litigant is not to dismiss for purpose of cover up, conspiracy, to escape all due process for all stated Pleadings & Material Facts for a favor from the Judge to cover up discriminations, violations of ADA & invalid Motion 91a, due to Motion To Stay because of 2 back operations protected by ADA & EEOC charges as reported & in violation of Collin County Administration as stated on their own website as follows:

Collin County Administration / ADA Coordination
2300 Bloomdale Road, Suite 4192, McKinney, TX 75071
Phone: 972-548-4631
Fax: 972-548-4699
Email: publicrelations@collincountytx.gov

Complaint: A complaint may be made by sending a written communication of any type (email, letter, fax), providing the name, address, and phone number of the grievant and the location, date, and description of the problem. If a written complaint is not possible, alternative means are available upon request for a person with a disability. The complaint should be submitted as soon as possible but no later than 60 calendar days after the alleged violation to:

In accordance with Title II of the Americans with Disabilities Act of 1990 (ADA), Collin County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Requests for Aid, Service, or Policy Modification: Generally, upon request and at no cost to the requestor, Collin County will provide appropriate communication aids and services and make reasonable modifications to its policies and procedures to ensure that qualified persons with disabilities have an equal opportunity to participate in Collin

County's programs, services, and activities.

Plaintiff Amrhein filed a EEOC Complaint, Collin County Court Administrator's Complaint, a Department of Justice Complaint in Washington, D.C., Attorney General Jeff Sessions, Attorney General Ken Paxton & Governor Gregg Abbott, filed a Motion To Stay & Continue this lawsuit on inactive docket for 2 back surgeries, provided numerous medical proof including a detailed Doctor / Surgeons required medical case with 6 month recovery & it was ignored & denied with threats & more personal injuries against Plaintiff by age & disability discriminations of Judge Dan Wilson, Attorneys, Cobb, Martinez, Woodland, Atty. Phanuef, Attorneys Bollinger & Wormington Law Firm et al, Collin County Administrator & Collin County, Texas;

So with the fear of January 16, 2018 valid Stay for ADA, the Defendants now try the "Vexatious Litigant" deal with no research as to facts of any lawsuits that they count in their fraudulent claim to Obstruct Justice, to mislead this Court & commit "Fraud Upon the Court" as officers of the Court as licensed in the State of Texas, knowing Plaintiff has no money as in forma pauperis to pay any security & has made money threats to try to extort a dismissal during this required ADA Stay period in violation of Federal Laws;

III. All Stated Claims made about this lawsuit, Defendants Attorneys Bollinger & Wormington & Bollinger Law Firm are true & correct as stated & sworn to twice by verification Affidavits & I stand by every email I ever sent to them in the past that is the basis of this lawsuit as true & correct as represented;

IV. AHI & Aaron Miller does not qualify under vexatious litigant criteria count, because of judicial errors & Defendant's federal filed Chapter 7 Bankruptcy Order, so judicial Orders & not adversely to Plaintiff Amrhein & Plaintiff Balistreri, so no count;

V. Lawsuit 2012 United States Northern District Court La Madeleine Inc., et al

The false Order of Plaintiff Amrhein being a "vexatious litigant" is on Appeal in the Fifth Circuit Court of Appeals as pending with no final Orders that was sent to the United States Eastern District Court with no service of process & multiple Defendants as invalid prior Court proceedings with no established jurisdiction, no hearing, no material witness testimony, no evidence before the Court, no vexatious litigant hearing, no witnesses, no contempt of Court, no listing published in Texas Judicial System, no refused court filings, but used to slander Plaintiff & silence with conflict of interest, known bias, prejudice & retaliation to do favors for ex-employees & friends to prevent the lawsuit on merits & "due process with enforcement of state & federal laws. When Plaintiff filed for permission under fake Vexatious litigant Order, there was no response as false & abuse of discretion. Pending & no final Order by Judicial mishandling of case & all errors by Judge Fish, Magistrate Toliver, Fifth Court of Appeals, Chief Judge Carl Stewart & interception to remove records of misconduct by clerks in U.S. Supreme Court, including Judge Solis on this ERISA claim, held no hearings, made threats, established no

jurisdiction, took no testimony, examined no evidence, which is now in the Fifth Circuit Court & pending with **"no final Order to date"** as named Defendants for conflict of interest, bias, prejudice, retaliations, so this lawsuit does not qualify to be counted toward 7 years of pro se litigation, **not filed frivolous, or malicious;**

VI. Reichert Lawsuit is the same lawsuit titled as House within the United Northern District Court that was moved to United States Eastern District Court which has no final Court Order Ruling with The United States of America et al to include all Federal Employees that did not buy the Reicherts' house by frauds etc., so counting same Court case twice for "vexatious litigant" with no final orders as pending in Fifth Circuit Court of Appeals, so invalid & false as stated to mislead this Court Obstruct Justice & commit "Frauds upon the Court" as Court officers & Texas Licensed Attorneys;

VII. Donald Verrilli Jr. is another double or triple count no lawsuit as changed in United States Eastern District Court as clerical errors & still pending with no Court Order on corrected lawsuit, so no count toward vexatious litigant" as false as stated to mislead this Court, Obstruct Justice & commit "Frauds upon the Court" as Court officers & Texas Licensed Attorneys; (See lawsuit I)

VIII. Prosperity Bank, et al Lawsuit filed in Texas Court a little over a year, represented by Attorney Todd Harlow as undisclosed Defendants' Attorney, fraudulent Settlement offer refused, threat to sign under duress or he would withdraw as he did Sept. 6, 2017. Prosperity Bank, et al is employment violations as described within, personal injury to Plaintiff, hostile work place, Retaliation, Sexual Harassment & theft of wages. Not frivolous, without merit & malicious as stated to count in "Vexatious Litigant" count false as stated to mislead this Court Obstruct Justice & commit "Frauds upon the Court" as Court officers & Texas Licensed Attorneys & as Plaintiff has hired an attorney;

I, Darlene Amrhein examined the Defendants documents & exhibits I to the end last exhibits and they are just pulled off computer / internet from the past with no research as to all current information as stated in this court filed document as true & correct.

Defendants Attorneys filed a false misrepresentation to mislead this Court, to Obstruct Justice & commit "Fraud Upon the Court" in an effort to escape this lawsuit & Justice in violations of well settled existing federal & state laws.

Defendants Attorneys want to use this Court for their own benefit to get their clients off from all these damaging claims & all injuries caused to Plaintiff Amrhein & her deceased Dad, who never met these people to deny him & his estate all due process, fairness & justice for the beating, starvation & torture he experienced at as he laid dying as they treat all disabled, senior citizens as yesterdays garbage.

Plaintiff is here to fight the fight for our U.S. & Texas Constitutional Rights, so buckle up because this lawsuit like all others will be proven & won against all offending Defendants

VERIFICATION / AFFIDAVIT

NO. 005-02654-2017

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff, Darlene C. Amrhein, who swore in her capacity & individually on her sworn oath, deposed and said she prepared and signed

Affidavit of Darlene Amrhein
Dated 2-14-2018

This information as referenced and stated within is true and correct and of Darlene C. Amrhein's own personal knowledge to best of her ability & documented. This state and or federal filing is for purpose of "due process," fairness, Justice under State and Federal Laws & presented in applicable Court attached as sited for this Court filing.

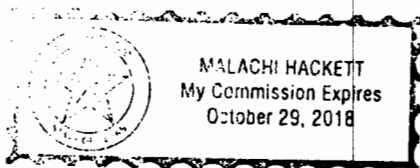
Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein, Plaintiff, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON 2-14, 2018 to

Certify which witness my hand and official seal.

SEAL:



Malachi Hackett

Notary Public of Texas (Printed Name)

[Signature]

Notary Public of Texas (Signature)

Commission Expires 10.29.2018

CERTIFICATE OF SERVICE

A true and correct copy of Plaintiff's Sworn Affidavit was served by e-file or Certified Mail through the United States Post Office on or about Feb. 14, 2018 to the following:

Collin County Courthouse

Certified 7017 0530 0000 6416 5894

County Court at Law No. 5

Honorable Dan K. Wilson

Attn: Collin County District Clerk's Office

2100 Bloomdale Rd.

McKinney, TX 75071

Cobb, Martinez, Woodward, PLLC

Certified # 7017 0530 0000 6416 5818

Attorney Carrie Johnson Phaneuf

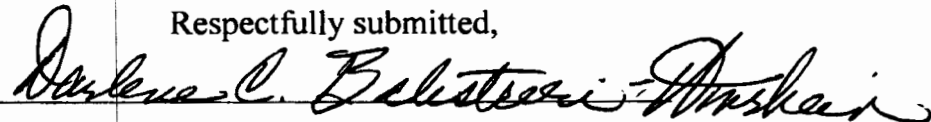
1700 Pacific Avenue, Suite 3100

Dallas, TX. 75201

CERTIFICATE OF CONFERENCE

There was no conference filed & served because Plaintiff is too sick, in pain & medicated from hospital discharge.

Respectfully submitted,



Darlene Balistreri-Amrhein, Plaintiff, Pro Se and

Representative for Deceased Anthony J. Balistreri

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PRESS FIRMLY TO SEAL

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PRIORITY MAIL ★

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J. Hornheim
112 Wesley Circle
McKinney, TX 75071

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Law No. 5.
2100 Bloondale Rd
McKinney, TX 75071

FILED
COUNTY COURT AT LAW
FEB 15 2018
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@ 1:15 pm



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EP14F July 2013
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006.02654-2017

CAUSE NO. 005-02654-2017

FILED
COUNTY COURT AT LAW

FEB 15 2018

STACEY KEMP COUNTY CLERK
BY *[Signature]* DEPUTY

DARLENE C. AMRHEIN, et al

COUNTY COURT AT LAW

Plaintiffs,

V.

NO. FIVE (5) JUDGE WILSON

ATTORNEY LENNIE F. BOLLINGER, AND

WORMINGTON & BOLLINGER LAW FIRM COLLIN COUNTY, TEXAS

Defendants, et al

**PLAINTIFF'S OBJECTIONS & RESPONSES TO DEFENDANTS'
MOTION FOR AN ORDER DETERMINING PLAINTIFF DARLENE
AMRHEIN TO BE A VEXATIOUS LITIGANT AND REQUESTING
SECURITY**

COMES NOW, Plaintiff, Darlene C. Amrhein to file Plaintiff's Objections & Responses To Defendants' Motion For An Order Determining Plaintiff Darlene Amrhein To Be A Vexatious Litigant And Requesting Security pursuant to Chapter 11 of Texas Civil Practice & Remedies Code as follows:

SUMMARY OF ARGUMENT

Defendants are using Chapter 11 of Texas Civil Practice & Remedies Code as follows, but not as written to be enforced to prevent this above entitled lawsuit from moving forward as the Texas & Federal Laws demand as follows:

- 1) Plaintiff filed this above lawsuit for good reasons as stated in her Pleadings & received on or about February 12, 2018 that was 68 plus pages long on Stated Claims (Causes of Action), Material Facts, Legal Theories & Relief Sought contained within this Court Record as it relates to Defendants;
- 2) Defendants false statement that Plaintiff had at least five litigations as pro se litigant that have been finally determined adversely to her, so who better to determine this by the "facts of these false statements," then the litigant herself;

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I. United States Northern & Eastern District Courts, Fifth Circuit Court of Appeals Twice and the United States Supreme Court Same Lawsuit & Actions

United States District Court of the Northern District of Texas entered a pre-filing injunction against Amrhein & ordered was prohibited from filing a new civil action in United States District Court unless first requesting leave to do so.

FACTS: The United States District Court of Texas never held one hearing on the lawsuit in question, took no testimony from a material witness as Plaintiffs, violated Collin County Probate Court Orders, never established any federal jurisdiction, violated HIPPA laws & held no required hearing under Chapter 11 of Texas Civil Practice & Remedies Code to make any determination of “vexatious litigant” as required by federal Judge Fish & Magistrate Toliver, who knew nothing about the lawsuit called frivolous & malicious with fraud & non-disclosure in a real estate contract & damages in the amount of \$200,000 with no proper deed & various violations of laws to protect Defendants from being sued. Undisclosed failing foundation, (\$8,000) leaking roof (\$36,000) , plumbing damages, (\$10,000) no electric in some outlets, (\$2,000) multiple surges causing fires in microwave, (\$400) failing appliances, (\$10,000) undisclosed dangers & poor living conditions, with water in the walls affecting every room in the home, no deed & warranties, etc. on a real estate contract that Magistrate Toliver called just buyers’ remorse,” with an invalid contract with a Probate Court Order incompetent & incapacitated person that was not approved for this purchase that was hidden by Texas Judges & fraudulent Appraisal by \$100,000.00 in frauds & deception & no value as contracted.(Not frivolous & not malicious by Texas Laws) Judge Fish did nothing except relied on this Magistrate Toliver & accepted it, who violated Texas & Federal laws as ex-employee to Defendants with “conflict of interest,” bias, prejudice & retaliation to declare a false “vexatious litigants” with 2 lawsuits filed

to silence this lawsuit as a favor to some Defendants as friends & co-workers, which is "conflict of interest" bias, prejudice, retaliation, cover up, conspiracy, corruption, Obstruction of Justice & "Fraud Upon the Court;"

Note: On sellers' disclosure statement there were no disclosures of perfect home;

2) This federal lawsuit was Appealed to the U.S. Fifth Circuit Court & was denied based on the fact that the three Justices had affiliation with 6 or more Defendants with long history as ex-employees for up to 30 years or more, so "conflict of interest" bias, prejudice & retaliation was the basis of this ruling, as Magistrate Toliver refused to turn over timely court records for briefing references to try to eliminate this Appeal, which is called cover up, conspiracy, corruption, Obstruction of Justice & "Fraud Upon the Court" as Justices never saw any evidence, no filings & references could not be made with a court record as ordered 6 months before briefing, so denied because of refused court record references that was no fault of Appellants. Misconduct complaints were filed & covered up by Chief Judge Carl Stewart, who claimed their business stays within this Court & no one, including the U.S. Supreme Court has any jurisdiction over them as they violated federal & state laws on "conflict of interest," bias, prejudice & retaliation, to cover up, conspiracy, corruption, Obstruction of Justice & "Fraud Upon the Courts;" (Not frivolous & not malicious by Federal & Texas Laws);

3) **Note:** During this time my father (Dad) was being beaten & starved in 6 weeks with a loss of 46 pounds & died from this torture in a Nursing home & what the Courts had done with their false claims & injustices & he made a final death bed statement, "there is no justice in the Courts as they will try to take the house away."

4) Sadly I buried my father in October, 2013. Dad was right, because the next injustice was the false statements & lies by Defendants, Attorney Lenny Bollinger & Wormington Law Firm that is the basis of this lawsuit, for knowingly holding

his case file & medical records past the "statute of limitations," to prevent all litigation, so he would never receive any fairness, "due process" & Justice, for all his suffering, because of incompetence & frauds that also is the basis of this Legal Malpractice as stated in the February pleadings against these Defendants as served;

5) My mission as Plaintiff was to continue the fight for "due process" fairness & Justice that no one in the United States should experience in their life time;

6) This same federal lawsuit then moved to the United States Supreme Court as Writ of Certiorari, but it never was reviewed as two clerks as ex-employees of the lower Courts intercepted these filed documents to stop this writ review, then six (6) months later Plaintiff received a false two-line Order that was not received timely, it was discovered that the lower court judges & justices did not want the Supreme Court to examine their misconduct & all filed complaints in violation of state & federal laws, because it would be reversed, so clerks returned all filings to Plaintiff as the Supreme Court did not decide case, but their friendly, ex-employee clerks;

7) When all courts, judges & clerks "misconduct" was discovered Plaintiff Amrhein contacted the Department of Justice, who advised a whole new lawsuit in the U.S. Eastern District Court within the "statute of limitations," which Plaintiff / Appellant filed timely with the Complaint / Petition, pre-filled out summons documents for service of process & in forma pauperis as required & granted to have this case heard finally, along with "false vexatious litigant claims" with no hearings & no testimony to have this all reversed;

8) The United States Northern District Court was contacted for approval on Motion of false vexatious litigant claim about this new Court filing, but Judge Fish never responded as required by his own false Orders.

9) This review in this new lawsuit was also on the false "vexatious litigant" claim in violation of Chapter 11 of Texas Civil Practice & Remedies Code & was

probably why Judge Fish would not respond;

10) The United States Eastern District Court had the original Defendants & new Defendants as well because of all participation in the prior Courts on the misconduct, "conflict of interest," bias, prejudice & retaliation, to cover up, conspiracy, corruption, Obstruction of Justice & "Fraud Upon the Courts," which was not a surprise to add all parties under the umbrella of the United States of America as the final responsible party for all federal employees for the years of damages, injuries & wasted time that contributed to my Dad's death as promised;

11) The next misconduct comes in the form of U.S. Eastern District Court of Texas by Judge Amos Mazzant, who just happened to be an ex-employee of the Fifth Circuit Court of Appeals as named Defendant in this case along with about 20 other Defendant affiliations including Defendant Ken Paxton as Defendant of securities fraud as the presiding judge & very questionable conduct;

12) Judge Mazzant was given his judgeship after committing fraud against the United States Congress with false statements under oath, he was given the judgeship by a deal made with President Obama as a favor to Senator Cornyn, & he held a close relationship with agreeable Magistrate Judge Christina Norwak beholden because her position was because of Judge Mazzant being advanced to his position, so the conflict of interest, bias, prejudice & retaliation became real;

13) Judge Amos Mazzant & Magistrate Christina Nowak refused service of process for all Defendants as their co-workers, associates & friends in violation of all federal & Texas Laws, leaving this case with only Plaintiff Amrhein to be dismissed with prejudice, which was their prejudice as transferred;

14) Plaintiff filed the appropriate documents timely, including Notice of Appeal, Recusal of Fifth Circuit Court of Appeals as named Defendants in this lawsuit for "conflict of interest & same Justices as in the prior Appeal, who refused the Court

Record, Denied enforcement of Dad's Probate Order for invalid real estate contract & Request to Transfer this Appeal to the 7th Circuit Court of Appeals to prevent more of the same injustices by "conflict of interest," bias, prejudice & retaliation, to cover up, conspiracy, corruption, Obstruction of Justice & "Fraud Upon Courts;"

15) The twice granted in forma pauperis became un-granted because Judge Amos Mazzant wanted more than \$500.00 to himself in Order to Appeal this case, which he knew Plaintiff did not have, so oops "No Appeal;"

16) Plaintiff's Court filed documents were not in the docket as filed on at least two occasions, so a complaint was filed along with the extortion of money separate from the Fifth Circuit Court with no resolution;

17) Of course the Fifth Circuit Court accepted the Notice of Appeal, but the transfer was denied & the in forma pauperis was granted in their Court, because Plaintiff had no income & no money other than small Social Security to live on;

18) The Fifth Circuit as named Defendants with no service of process by their 4 year ex-employee, Judge Amos Mazzant had full control of this case to keep it in house & away from others to know their own secrets as intended;

19) The Appeal Briefs were filed timely & in order, but exceeded the page limits by about 20 pages & the record excerpts more than 40 pages, so Appellant was notified to "redraft new briefs" at the same time of getting sick in need of 2 back operations, which made this task impossible, so notice was given to the Court;

20) The Fifth Circuit Court of Appeals granted no redrafting & ADA as Appellant indicated & to date no final decisions have been made on the Appeal from Judge Amos Mazzant Court of no service of process & Defendants hearing their own case, if adverse will be sent to U.S. Supreme Court, Writ of Certiorari for review;

21) The Department of Justice, Attorney General, Congress & Federal Authorities, including the President are watching the activities & results of this lawsuit with

- violations of federal & Texas Laws as all details are known per notice to me;
- 22)** Federal Rules of Civil Procedure & Texas Rules of Civil Procedure all have “service of process” to all Defendants to timely know they are being sued & to answer timely, but these federal judges legislated illegally & by “abuse of discretion” to not serve any of their friends, co workers & associates for favors;
- 23)** The original lawsuit that was not determined in any final Texas Order from 2008 to 2012 & on Sept. 12, 2012 it was moved to federal Court, who established no proper jurisdiction in this case as it moved along to this proper day with still no valid decisions under the federal & Texas Laws;
- 24)** Of course Defendants Attorneys in this above lawsuit want to blame Darlene Amrhein for all this misconduct, “conflict of interest,” bias, prejudice & retaliation, to cover up, conspiracy, corruption, Obstruction of Justice & “Fraud Upon Courts” not in her control to get their clients off with this false “vexatious litigant claim;”
- 25)** This also why their motion for this Order was withheld until February 12, 2018 to prevent Plaintiff from responding timely to prevent an honest decision by this County Court at Law No. 5 as another one of Defendants Attorneys’ tricks;
- 26)** So with all of the above, without a final determination & with “conflict of interest,” bias, prejudice & retaliation, to cover up, conspiracy, corruption, all Obstruction of Justice & “Fraud Upon Courts,” it does not count as 1 lawsuit to contribute to their false vexatious litigant claim within this Court filing;
- 27)** This above is not frivolous, meritless or malicious as claimed by Attorneys;

II. Texas Lawsuits Claimed By Defendants for false Vexatious Litigant Claim

“Darlene Amrhein v. David A. Schroeder Lawsuit”

Mr. tenant, David Schroeder, con man, jailed for 6 months for violations in Dallas County Courts for damages & injuries, \$34,000.00 in legal fees, frauds, negligent misrepresentations of good & honorable man, who paid his bills, non-smoker, non-

drinker, one marriage, loves family & very Christian, a real "teddy bear"(not my words, but his), hard-working, responsible of good character, would not hurt a fly. Schroeder falsely claimed no income with 4 sources of income to not pay his rent, food, utilities & shelter upstairs from Oct. 1, 2014 to March 10, 2015 as follows:

- 1) Defendant Schroeder upon move in he tried to make a move on Plaintiff & assaulted my person that required swift action & explanations to which Defendant Schroeder made claim about having ED & he knew my reaction as he would never try any action again;
- 2) Defendant Schroeder falsely claimed to be honest & truthful, when he was a liar, manipulator, controller, with serious mental issues & uncontrolled temper all undisclosed prior to move in & caused great upset & fear for Plaintiff;
- 3) Defendant Schroeder was an ex-con with years of history of DWI-DUI, injuries to others, mug shot, 6 months in jail, 2 year probation & restitution undisclosed before move-in, which was fraud & negligent misrepresentations, etc.
- 4) Defendant Schroeder drank a bottle of wine almost every night, smoked daily affecting Plaintiff's medical disability conditions, burning & damaging carpet at home contrary to his false claims of "easy going Mr. Teddy Bear;"
- 5) Defendant Schroeder in retaliation before leaving damaged shower walls, floors, microwave, wood sofa table & areas of home;
- 6) Defendant Schroeder years of little family relationships, no friends, 3 false marriage disclosures & Plaintiff was trying for months to get him out of home;
- 7) Defendant Schroeder used mental tricks to manipulate Plaintiff with excess false claims, threw a box of clothes against the garage door, threatened, demeaned, etc. to stay in this home & was not paying any money into these living expenses;
- 8) David Schroeder knew that Plaintiff lived on a very limited income of only Social Security below poverty as disclosed to him from the start with his false promises to pay for all these living expenses;
- 9) Defendant Schroeder wanted an automobile, wanted to stay home from work, so Plaintiff encouraged him to leave this home, work, but he would not leave;
- 10) Defendant Schroeder's actions caused Plaintiff's assault, financial losses, deficient tax penalties, loss of living expenses, needed medical care, damage

expenses in home, upset, fear from threats, litigation costs, loss of time, slander, stolen & damaged property, harassment, loss of friends, embarrassment, loss of security, having to file "public assistance" for basic food & assisted medical, etc.

11) Plaintiff, resident of McKinney Texas, where this dispute in question occurred for 5 months has a substantial connection to Texas & McKinney Police Department for personal & subject matter jurisdiction;

12) Plaintiff has owned & paid county taxes for over 10 years on this 112 Winsley Circle, McKinney, Texas 75071 residence that is the basis of this lawsuit where David Schroeder broke the law, engaged in misconduct & illegal acts in suit;

- a) committed various frauds against Plaintiff & her property illegally by false statements, broke, 4 sources of income, 1 marriage really 3 marriages as ex con, undisclosed suicide thoughts, abuse of medications, mental disorders, narcissist & required medications, causing potential dangers & threats to Plaintiff Amrhein;**
- b) committed deceptions & practices against Plaintiff & property illegally;**
- c) devised a "con scheme" to gain, use & for money against Plaintiff illegally;**
- d) used negligent misrepresentations to gain access to property & swindle Plaintiff;**
- e) committed gross negligence, willful & wanton negligence, against Plaintiff;**
- f) committed theft of Plaintiff's property illegally deprived since March 10, 2015;**
- g) committed damages to Plaintiff's property, furniture & appliances as illegal;**
- h) committed conversion of Plaintiff's personal property illegally & no permission;**
- i) he Assaulted senior disabled Plaintiff Amrhein in her home in violation of laws;**
- j) he refused payment of rent for 5 plus months of food, utilities, shelter & use of property with laundry, demands wine & property maintenance services, etc.;**
- k) he acted with "bad faith" intent not to pay these living expenses that he used;**
- l) he slandered & defamation Plaintiff illegal with intent to destroy her reputation;**
- m) he exhibited his temper causing fear & threats against Plaintiff & property;**
- n) he placed Plaintiff in danger like driving drunk as DWI/ DUI offender, who had been on years of probation, caused injuries to another person & jailed 6 months;**
- o) he had over \$600 of wine daily by the bottle that was never paid, but demanded;**

- p) he made demands for money for gas, a new automobile, family gifts, etc.**
- q) he caused tax penalties for theft & Plaintiff's financial loss caused by him;**
- r) he caused great emotional stress, loss of healthcare & insulin medications;**
- s) he caused Plaintiff forced "public assistance" for basic needs due to his bad acts;**
- t) his intent was to gain the value of my home by falsely claiming a relationship;**
- u) he harassed Plaintiff, by phone, email, slanderous statements, false claims & filed false police reports to use as his defense, while causing extreme fear of him;**
- v) he caused loss, harms, injuries & damages to Plaintiff person & Property in amount of \$13,208.00 plus, which Schroeder refused to pay since March 10, 2015, would not return Plaintiff's property & pay damages, which is illegal;**
- w) he was taken into Collin County Justice Court by an attorney in wrong court;**
- x) he engaged in reckless, aggressive misconduct causing losses, injuries & harms;**
- y) Collin County Justice Courts limits were discovered, so Notice of Appeal filed;**
- z) he knew Judge Raleeh tried to settle this with reduced offer after 2 plus years;**
- 1) Attorney Jerry Jarzombek claimed that David Schroeder liability expenses were over \$20,000.00, not as claimed at \$13,208.00, which is within this Courts limits;**
- 2) Emails exchanged between Schroeder, his lawyer & Plaintiff as to \$20,208.00;**
- 3) Plaintiff provided an "itemized list of damages, losses, injuries & harms within this filed lawsuit & in the Collin County Justice Court as stated by Judge Raleeh's Order to cause a Notice of Appeal from the lower Collin County Justice Court;**
- 4) Two items of Fear & Emotional Distress multiple amounts to be determined by jury as to severity based on facts of this lawsuit as "subjective & defined;"**
- 5) Attorney Jerry Jarzombek further claimed that Plaintiff was trying to change or reduce the amount of damages to fit the Collin County Justice Court's limits with figures of \$ 8,500.00 or \$ 9,975.00, which is not true & false claim to mislead this Court for their own agenda of dismissal.**
- 6) Judge Raleeh JP Court was trying to settle this lawsuit for a reduced amount as discussed during this pre-trial conference October 13, 2017 & Defendant refused;**
- 7) David Schroeder had to bring a wagon cart into court with Plaintiff's property**

as he continued conversion & deprive Plaintiff of her bought & paid for property;

8) David Schroeder by & through his Attorney want this Court to aid him in his theft, reckless acts of misconduct, damages & losses to continue these injustices;

9) Plaintiff has tried for 1,169 Days or 3 years, 2 months & 12 days to get my personal property & damages settled with David Schroeder, who lived in my home off of me for 5 months & 9 days or 160 days, which is a "material fact" in lawsuit;

10) David Schroeder has caused litigation cost & potential attorneys costs for his deceptive con scheme, frauds, negligence & assault, which are "material facts;"

11) Plaintiff offered him numerous settlement offers on these matters since February 15, 2016 with no responses from Defendant David Schroeder;

12) Our last conversation prior to property damage & walking out was that we would talk, which never happened, so why he is so angry over his own actions;

13) Why would Defendant Schroeder want to keep Plaintiff's Property....out of retaliation, revenge & "meal ticket" con got away because of his own misconducts;

14) All issues included are all "material fact issues" in this lawsuit that allows for subject matter jurisdiction, this filed lawsuit known as Cause No. 002-2663-2017;

15) This lawsuit is not a federal action, which is based on Texas Laws & there is no amount in controversy for \$75,000 as required by federal laws for specifics.

16) A court must always have subject matter jurisdiction, and personal jurisdiction over at least one party, to hear and decide a case;

17) Court has authority to adjudicate these disputes over these types of legal issues in dispute based on Texas State Laws, Statutes, Rules & Texas Constitution;

18) Criminal Conversion. A person who knowingly or intentionally exerts unauthorized against Plaintiff Darlene C. Amrhein for more than two years, from October, 2014 through to July 31, 2017, which is approximately 1015 days to July 31, 2017 plus until final Orders & settlement;

19) Felony Theft by Conversion- Theft by conversion occurs when a person lawfully obtains possession to the personal property or funds of another, and then converts the property into funds for their own use and without the person's permission;

20) **Conversion is Common Law Tort.** A **conversion** is a voluntary act by one person inconsistent with the ownership rights of another. It is a tort of strict liability in lawsuit;

21) **Theft by Deception** can include probation up to a year or two in jail. The range of punishment for **felony theft by deception** can range from probation to twenty years or more in prison.

22) **Four Elements of Conversion:**

a) that plaintiff **owns or has the right to possess the personal property** in question at the time of the interference;

b) that defendant **intentionally interfered with the plaintiff's personal property** (sometimes also described as exercising "dominion and control" over it);

c) that the interference **deprived plaintiff of possession or use of the personal property** in question; and

d) that the interference **caused damages** to plaintiff.

e) A conversion is proved in one of three ways:

- by tortuous taking;
- by any use or appropriation of the use of the person in possession, indicating a claim of right in opposition to rights of the owner; or
- refusal to give up possession to the owner on demand.

Litzinger v. Estate of Litzinger (In re Litzinger), 340 B.R. 897 (B.A.P. 8th Cir. 2006)

23) **Since Act** must be knowingly done, neither negligence, active or passive, nor a breach of contract, though it results in injury or loss of, specific property, constitutes conversion.

24) **Mistake, Good Faith, Due Care** are ordinarily immaterial and cannot be defenses in an action for conversion. *Taylor v. Forte Hotels Int'l, 235 Cal.App. 3d 1119 (Cal. App. 4th Dist. 1991).*

25) **This is important for defendant.** if you knowingly take possession, that constitutes the tort even if you were wrong, it does not matter if you were negligent or if you felt you a valid right to the property. It is not required to prove you wished to do wrong only that you intentionally took possession and actually had no right to do so.

26) **Wrongful Conversion** applies only to personal property. Personal property consists of every kind of property that is not real. Thus, an action for conversion generally lies only with respect to personal property and real estate is not subject to conversion. *Waldron v. Rotzler*, 862 F. Supp. 763 (N.D.N.Y. 1994).

27) **Thefts committed**: "Class A" misdemeanor: \$500 or more, but less than \$1,500. State jail felony: \$1,500 or more, but less than \$20,000. Third degree felony: \$20,000 or more, but less than \$100,000. Second degree felony: \$100,000 or more, but less than \$200,000.

28) **Theft of Services** is the legal term for a crime which is committed when a person obtains valuable services — as opposed to goods — by **deception**, force, threat or other unlawful means, i.e., without lawfully compensating the provider for these services.

(a) A person commits theft of service if, with intent to avoid payment for service that the actor knows is provided only for compensation:

(1) the actor intentionally or knowingly secures performance of the service by deception, threat, or false token;

(2) having control over the disposition of services of another to which the actor is not entitled, the actor intentionally or knowingly diverts the other's services to the actor's own benefit or to the benefit of another not entitled to the services;

(3) having control of personal property under a written rental agreement, the actor holds the property beyond the expiration of the rental period without the effective consent of the owner of the property, thereby depriving the owner of the property of its use in further rentals; or

(4) the actor intentionally or knowingly secures the performance of the service by agreeing to provide compensation and, after the service is rendered, fails to make full payment after receiving notice demanding payment.

(b) For purposes of this section, intent to avoid payment is presumed if:

(1) the actor absconded without paying for the service or expressly refused to pay for the service in circumstances where payment is ordinarily made immediately upon rendering of the service, as in hotels, campgrounds, recreational vehicle parks, restaurants, and comparable establishments;

(2) the actor failed to make payment under a service agreement within 10 days after receiving notice demanding payment;

(3) the actor returns property held under a rental agreement after the expiration of the rental agreement and fails to pay the applicable rental charge for the property within 10 days after the date on which the actor received notice demanding payment; or

(4) the actor failed to return the property held under a rental agreement:

(A) within five days after receiving notice demanding return, if the property is valued at less than \$2,500; or

(B) within three days after receiving notice demanding return, if the property is valued at \$2,500 or more.

(c) For purposes of Subsections (a)(4), (b)(2), and (b)(4), notice shall be notice in writing, sent by registered or certified mail with return receipt requested or by telegram with report of delivery requested, and addressed to the actor at his address shown on the rental agreement or service agreement.

(d) If written notice is given in accordance with Subsection (c), it is presumed that the notice was received no later than five days after it was sent.

(d-1) For purposes of Subsection (a)(4):

(1) if the compensation is or was to be paid on a periodic basis, the intent to avoid payment for a service may be formed at any time during or before a pay period; and

(2) the partial payment of wages alone is not sufficient evidence to negate the actor's intent to avoid payment for a service.

(e) An offense under this section is:

(1) a Class C misdemeanor if the value of the service stolen is less than \$100;

(2) a Class B misdemeanor if the value of the service stolen is \$100 or more but less than \$750;

(3) a Class A misdemeanor if the value of the service stolen is \$750 or more but less than \$2,500;

(4) a state jail felony if the value of the service stolen is \$2,500 or more but less than \$30,000; (This applies in this lawsuit to Defendant David Allen Schroeder.);

(5) a felony of the third degree if the value of the service stolen is \$30,000 or more but less than \$150,000;

(6) a felony of the second degree if the value of the service stolen is \$150,000 or more but less than \$300,000; or

(7) a felony of the first degree if the value of the service stolen is \$300,000 or more.

(f) Notwithstanding any other provision of this code, any police or other report of stolen vehicles by a political subdivision of this state shall include on the report any rental vehicles whose renters have been shown to such reporting agency to be in violation of Subsection (b)(2) and shall indicate that the renting agency has complied with the notice requirements demanding return as provided in this section.

(g) It is a defense to prosecution under this section that:

(1) the defendant secured the performance of the service by giving a post-dated check or similar sight order to the person performing the service; and

(2) the person performing the service or any other person presented the check or sight order for payment before the date on the check or sight order.

29) PENAL CODE CHAPTER 31 – THEFT § 31.01. DEFINITIONS

(1) "**Deception**" means:

(A) creating or confirming by words or conduct a false impression of law or fact that is likely to affect the judgment of another in the transaction, and that the actor does not believe to be true;

(B) failing to correct a false impression of law or fact that is likely to affect the judgment of another in the transaction, that the actor previously created or confirmed by words or conduct, and the actor does not now believe to be true;

(C) preventing another from acquiring information likely to affect his / her judgment in transaction;

(D) selling or otherwise transferring or encumbering property without disclosing a lien, security interest, adverse claim, or other legal impediment to the enjoyment of the property, whether the lien, security interest, claim, or impediment is or is not valid, or is or is not a matter of official record; or

(E) promising performance that is likely to affect the judgment of another in the transaction and that the actor does not intend to perform or knows will not be performed, except that failure to perform the promise in issue without other evidence of intent or knowledge is not sufficient proof that the actor did not intend to perform or knew the promise would not be performed.

30) "**Deprive**" means:

(A) to withhold property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the property is lost to the owner;

(B) to restore property only upon payment of reward or other compensation; or

(C) to dispose of property in a manner that makes recovery of property by owner unlikely.

(3) "**Effective consent**" includes consent by a person legally authorized to act for the owner. Consent is not effective if:

(A) induced by deception or coercion;

(B) given by a person the actor knows is not legally authorized to act for the owner;

(C) given by a person who by reason of youth, mental disease or defect, or intoxication is known by the actor to be unable to make reasonable property dispositions;

(D) given solely to detect the commission of an offense; or

(E) given by a person who by reason of advanced age is known by the actor to have a diminished capacity to make informed and rational decisions about the reasonable disposition of property.

31) "**Appropriate**" means:

(A) to bring about a transfer or purported transfer of title to or other nonpossessory interest in property, whether to the actor or another; or

(B) to acquire or otherwise exercise control over property other than real property.

32) "**Property**" means:

(A) real property;

(B) tangible or intangible personal property including anything severed from land; or

(C) a document, including money, that represents or embodies anything of value.

32) "**Service**" includes:

(A) labor and professional service;

(B) telecommunication, public utility, or transportation service;

(C) lodging, restaurant service, and entertainment; and

(D) the supply of a motor vehicle or other property for use.

33) "**Steal**" means to acquire property or service by theft;

34) "**Elderly individual**" has meaning assigned by Section 22.04(c).

35) **§ 31.02. CONSOLIDATION OF THEFT OFFENSES.** Theft as defined in Section 31.03 constitutes a single offense superseding the separate offenses previously known as theft, theft by false pretext, conversion by a bailee, theft from the person, shoplifting, acquisition of property by threat, swindling, swindling by worthless check, embezzlement, extortion, receiving or concealing embezzled property, and receiving or concealing stolen property.

36) **§ 31.03. THEFT.** (a) A person commits an offense if he unlawfully appropriates property with intent to deprive the owner of property.

(b) Appropriation of property is unlawful if:

(1) it is without the owner's effective consent;

(2) the property is stolen and the actor appropriates the property knowing it was stolen by another; or

(3) property in the custody of any law enforcement agency was explicitly represented by any law enforcement agent to the actor as being stolen and the actor appropriates the property believing it was stolen by another.

(c) For purposes of Subsection (b):

(1) evidence that the actor has previously participated in recent transactions other than, but similar to, that which the prosecution is based is admissible for the purpose of

showing knowledge or intent and the issues of knowledge or intent are raised by actor's plea of not guilty;

(2) the testimony of an accomplice shall be corroborated by proof that tends to connect the actor to the crime, but the actor's knowledge or intent may be established by the uncorroborated testimony of the accomplice;

(3) an actor engaged in the business of buying and selling used or secondhand personal property, or lending money on the security of personal property deposited with the actor, is presumed to know upon receipt by the actor of stolen property (other than a motor vehicle subject to Chapter 501, Transportation Code) that the property has been previously stolen from another if the actor pays for or loans against the property \$25 or more (or consideration of equivalent value) and the actor knowingly or recklessly;

37) § 31.04. THEFT OF SERVICE:

(a) A person commits theft of service if, with intent to avoid payment for service that he knows is provided only for compensation:

(1) he intentionally or knowingly secures performance of the service by deception, threat, or false token;

(2) having control over the disposition of services of another to which he is not entitled, he intentionally or knowingly diverts the other's services to his own benefit or to the benefit of another not entitled to them;

(3) having control of personal property under a written rental agreement, he holds the property beyond the expiration of the rental period without the effective consent of the owner of the property, thereby depriving the owner of the property of its use in further rentals; or

(4) he intentionally or knowingly secures the performance of the service by agreeing to provide compensation and, after the service is rendered, fails to make payment after receiving notice demanding payment.

(b) For purposes of this section, intent to avoid payment is presumed if:

(1) the actor absconded without paying for the service or expressly refused to pay for the service in circumstances where payment is ordinarily made immediately upon rendering of the service, as in hotels, campgrounds, recreational vehicle parks, restaurants, and comparable establishments;

(2) the actor failed to make payment under a service agreement within 10 days after receiving notice demanding payment;

(3) the actor returns property held under a rental agreement after the expiration of the rental agreement and fails to pay the applicable rental charge for the property within 10 days after the date on which the actor received notice demanding payment; or

(4) the actor failed to return the property held under a rental agreement:

(A) within five days after receiving notice demanding return, if the property is valued at less than \$1,500; or

(B) within three days after receiving notice demanding return, if the property is valued at \$1,500 or more.

(c) For purposes of Subsections (a)(4), (b)(2), and (b)(4), notice shall be notice in writing, sent by registered or certified mail with return receipt requested or by telegram with report of delivery requested, and addressed to the actor at his address shown on the rental agreement or service agreement.

(d) If written notice is given in accordance with Subsection

(c) it is presumed that the notice was received no later than five days after it was sent.

(e) An offense under this section is:

(1) a Class C misdemeanor if the value of the service stolen is less than \$20;

(2) Class B misdemeanor if value of the service stolen is \$20 or more but less than \$500;

(3) a Class A misdemeanor if value of service stolen is \$500 or more but less than \$1,500;

(4) ** a state jail felony if value of service stolen is \$1,500 or more but less than \$20,000;

(5) felony of third degree if value of service stolen is \$20,000 or more but less than \$100,000;

(6) felony of the second degree if value of service stolen is \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the value of the service stolen is \$200,000 or more.

38) Fraud - In law, fraud is deliberate deception to secure unfair or unlawful gain, or to deprive a victim of a legal right. Fraud itself can be a civil wrong (i.e., a fraud victim may

sue the fraud perpetrator to avoid the fraud or recover monetary compensation), a criminal wrong (i.e., a fraud perpetrator may be prosecuted and imprisoned by governmental authorities) or it may cause no loss of money, property or legal right but still be an element of another civil or criminal wrong. The purpose of fraud may be monetary gain or other benefits, such as obtaining a driver's license or qualifying for a mortgage by way of false statements.

39) A **hoax** is a distinct concept that involves deliberate deception without the intention of gain or of materially damaging or depriving a victim.

40) **Civil Wrong** - In common law jurisdictions, as a civil wrong, fraud is a tort. Requisite elements of fraud as a tort generally are the intentional misrepresentation or concealment of an important fact upon which the victim is meant to rely, and in fact does rely, to the harm of the victim.

41) **Proving fraud** each and every one of the elements of fraud must be proven, that the elements include proving the states of mind of the perpetrator and the victim. The remedies for fraud may include rescission (i.e., reversal) of a fraudulently obtained agreement or transaction, the recovery of a monetary award to compensate for the harm caused, punitive damages to punish or deter the misconduct, and possibly others. Fraud may serve as a basis for a court to invoke its equitable jurisdiction.

42) **Criminal Offence** - In common law, criminal offence, fraud takes many different forms, some general (e.g., theft by false pretense) and some specific to particular categories of victims or misconduct. The elements of fraud requisite elements of perhaps most general form of criminal fraud, theft by false pretense, are the intentional deception of a victim by false representation or pretense with the intent of persuading victim to part with property and with victim parting with property in reliance on representation or pretense and with the perpetrator intending to keep the property from the victim;

43) **Negligent Misrepresentations** - Evidence to false claims written, verbal or conduct.

44) **Standard of Proof** - Some evidence, reasonable indications, reasonable suspicion, reasonable to believe, Probable cause, credible evidence, substantial evidence, Preponderance of the evidence, balance of probabilities, clear and convincing evidence, more probable to be true, beyond reasonable doubt as Plaintiff will provide at jury trial.

45) **Damages** to 112 Winsley Circle McKinney, Texas Property & Plaintiff Amrhein's personal property. Lawsuit is for \$13,208.00 for Damages, Punitive Damages, Special Damages, Economic Losses, Conversion of Property & all other damages by law & equity to be justly entitled for the following specific damages, injuries, losses & harms:

46) **Relief, Itemized List for David Schroeder Owed Bills, Damages, Actual Damages, Treble & Punitive Damages, Civil Penalties Under Available Laws:**

Rent.....	\$1,000.00
Certified Mail.....	\$ 90.00
Wine Bill.....	\$600.00
Utilities x 5 Water, Electric, Gas, Heat	\$1,150.00
Cash.....	\$ 200.00
His Concert Ticket.....	\$100.00
Shower Repairs & Floor Damage.....	\$ 400.00
*Burned Rug.....	\$ 95.00
Meal Tickets.....	\$60.00
Movie Ticket & Dinner.....	\$42.00
Sofa Table & Furniture Damages.....	\$200.00
Sun Glasses	\$140.00
Parking & Wine	\$40.00
Silver Cross & Chain.....	\$60.00
Go Bible & Case.....	\$60.00
Picture Frame.....	\$10.00
Pictures.....	\$500.00
Sweat Suit.....	\$30.00
Blue Lunch Bag.....	\$ 20.00
Blue Thermos.....	\$ 25.00
Grandchildren Christmas.....	\$ 100.00
3 Shirts.....	\$120.00
3 Ties.....	\$90.00
St Jude Medal.....	\$40.00
Nicoderm Returned.....	\$ 28.00
Damaged Winter Jacket.....	\$28.00

2/.

Extra Security Locks.....\$95.00
 Emotional Distress.....Jury Decision On Amount.....\$ 2,000.00
 Fear.....Jury Decision On Amount.....\$5,000.00
 Counseling & Medical Treatments, Medications.....\$2,000.00
 Time for Lawsuit & Supplies.....\$300.00
 Damage to Front of House & Garage Door.....\$100.00
 Damages to Reputation.....\$1,000.00
 Damage to Credit.....\$1,000.00
 Tax Penalties.....\$ 72.00
 Loss of Time.....\$ 2,000.00
 Specialty Requested Foods.....\$38.00
 Wi fi.....\$75.00
 Gasoline.....\$100.00
 Certified Court Records.....\$25.00
 Future Medical Bills.....Jury Decision On Amount...unknown as incomplete
 Private Investigator Stanul.....\$1,175.00

Interest on Owed Money for 30 Months at 4% rate - Theft Conversion, etc. until
 paid in full / settlement by David A. Schroeder, plus Court Costs, Attorney Fees &
 any other relief to which Plaintiff is entitled as a senior citizen over 65 years;

Total – \$ 13,208.00 + 7000.00 (Jury Decisions) = **\$ 20,208.00**

47) Plaintiff does not speculate on Jury Decisions because it could be more or
 less based on presented evidence/ testimony in lawsuit,before Court at **\$20,208.00.**

48) Defendant Schroeder caused by his own violations of laws & misconduct &
 No person should ever be treated this way. Plaintiff worked long & hard for her
 property & no person has right to disrespect, hurt, take or cause an assault against
 another person as Defendant has against Plaintiff.

49) Defendant Schroeder should not be allowed to break Texas Laws & just

move on with no Accountability.

50) Schroeder spoke about revenge of other people & now it's my turn. Defendant Schroeder threatened would ruin my reputation, file false stalking charges, file false police reports on me, hire for attorney fees for value of my home claimed as "his" home to extort as the McKinney Police Department warned;

51) Schroeder did all false charges for "his threats of retaliation Mar. 10, 2015;"

52) Some of these stolen items some unknown are from my deceased parents that can never be sadly replaced.

53) Justice Court Judge claimed only way to fix the acts of Attorney Bollinger & Wormington Law Firm was to dismiss this case in Justice Court & Appeal to County Court at Law for a hearing on all matters, but this was wrong according to Judge Walker as no ruling was ever made in Justice Court;

54) Judge Walker claimed that because no ruling he could not make any rulings on Appeal, so he would dismiss this County Court Lawsuit based on wrong advice;

55) Judge Walker advice to get an attorney as the evidence Plaintiff has is good, but his Attorney will try to stop the jury from seeing it based on law technicalities;

56) Defendant Schroeder will stop at nothing to try to destroy Plaintiff Amrhein

57) So according to these Wormington & Bollinger Defendants this was a lawsuit based on frivolous & malicious with an adverse affect against Plaintiff Amrhein & not Defendants, Attorneys & Judges not doing their job with confusion to settle this lawsuit;

58) Defendant Schroeder broke laws, injured & assaulted Plaintiff Amrhein, a McKinney Police Department Detective is investigating the assault charges as well as the District Attorneys' Office, so false claims by Cobb Law Firm & Attorneys is false to count as "vexatious litigant," to mislead this Court, Obstruct Justice & commit "Fraud Upon this Court" as officers of the Court in violation of laws to damage Plaintiff Amrhein further & allow the violator to walk free to save their own Defendant violator to walk free for more injustices against Texas Laws;

59) Plaintiff Amrhein is in process of hiring counsel for a new lawsuit as recommended by Judge Barnett Walker, County Court at Law No. 2.

60) The fact that Defendants Attorneys used Defendant Schroeder as their counted lawsuit with all these damages & illegal acts speaks to Wormington Law Firm violations, misconduct, Legal Malpractice as referenced as follows:

**III. Darlene Amrhein v. Attorney Lennie Bollinger & Wormington &
Bollinger Law Firm , et al known as Case 005-02654-2017**

PLAINTIFF'S TIMELY FIRST AMENDED PLEADINGS & 15 NOTICES

COMES NOW, Plaintiff Darlene C. Amrhein to file Plaintiff's Timely First Amended Pleadings as plead in this lawsuit with 15 Notices as follows:

1. Plaintiff is in process of hiring Malpractice Attorney & Law Firm in this Case;
2. Plaintiff has filed a "formal complaint" with the Department of Justice in Washington, D.C. with documents of proof on violations of ADA federal laws;
3. Plaintiff has filed a "formal complaint" with the Collin County ADA Compliance Authorities for violations of federal ADA laws per United States Congress, which is has no immunities or privilege on this ADA federal law;
4. Plaintiff filed a Motion To Recuse Judge Dan Wilson for violations of ADA law & discrimination against disabled Plaintiff as filed on January 16, 2018 as required Stay & denied by "abuse of discretion," is enforceable & Appealable;
5. Plaintiff's denied ADA law would make this January 30, 2018 Order invalid per denial required federal law to stay this lawsuit as of January 16, 2018 as filed;
6. Plaintiff filed Court Objections as of February 3, 2018 as returned in error & brought to attention of Collin County Court Clerk supervisor for investigation;
7. On February 8, 2018 at about 3:30 PM Plaintiff filed a Motion To Recuse Judge Dan Wilson through the United States Post Office, as considered court filed;

24.

8. Plaintiff received threatening settlement offers by email & certified U.S. Post Office dated February 7, 2018 from attorneys at Cobb, Martinez, Woodland & as reported to Department of Justice, Washington, D.C as their continued harassment;

9. Attorneys at Cobb, Martinez, Woodland by Attorney Carrie Phaneuf continue to harass Plaintiff on Feb. 9, 2018, attempts to mislead as officers by Fraud Upon Court with documents currently in 2017 Appeals in U.S. Circuit Court & as 2017 reported to U.S. Department of Justice, Washington, D.C. to falsely obtain security against in forma Plaintiff, because they do not want to focus on illegal acts & misconduct of their clients / Defendants in this lawsuit; (See Attached Exhibit);

10. Questions to Defendants & Attorneys – When was any hearing as required by CPRC, chapter 11, who were testifying witnesses as there was none, because anything less is slander, reversible error, abuse of discretion, Fraud Upon Court, against U.S. Federal Courts, Washington Federal Authorities, U.S. House & Senate Judiciary Committees & under FBI investigation to be determined sometime in 2018 or 2019, so their court filed documents are fraudulent, untrue on 2/9/2018 as Judge is under Motion To Recuse in this pending lawsuit; (TRCP 18, 18a & 18b.)

11. Plaintiff did not follow this “invalid January 30, 2018 Order as stated,” because many “removed stated claims” by this Court referred to Plaintiffs’ Legal Malpractice elements to survive on all plead claims as required by rules, laws,

statutes & less is manipulation of this Court Record to be examined on Appeal;

12. Plaintiff has not removed (Deceased) Plaintiff Anthony J. Balistreri from this lawsuit, because he is represented by 2 counsels & himself as stated below for violated "statute of limitations," which is his "automatic legal malpractice claim" for relief sought based on material facts & **Plaintiff Amrhein is witness only** as 10 year caregiver & court appointed Collin County Guardian from 2006 to 2013;

13. Plaintiff is in process to hire counsel & to Amend these Pleadings as required;

14. Plaintiff plans to Appeal all decisions, discriminations, violated ADA, Court Orders, "abuses of discretion," Obstruction of Justice & Fraud Upon the Court against all participants in lawsuit for reversal required by Texas & Federal Laws;

15. Plaintiff believes it is time to focus on Defendants' illegal acts that are basis of this lawsuit as plead in this Court filed document, violations of ADA & Motion to Recuse Judge Dan Wilson for "good cause" reasons filed Feb. 8, 2018 to not act;

**I. STATED CLAIMS, CAUSES OF ACTION, MATERIAL FACTS,
LEGAL THEORIES & RELIEF SOUGHT IN LAWSUIT TIMELY**

Plaintiff files following Stated Claims, Causes of Action, Material Facts, Legal Theories & Relief Sought against Defendants/Attorneys & Wormington Law

Firm, et al & their associated legal malpractice insurance carriers as follows:

1) **Stated Claims - Existence of Attorney Client Relationship**

Material Facts – Defendants did not represent Plaintiff's interest, did not disclose

conflict of interest with David Schroeder, refused to file assault charge in lawsuit, which is torts & crimes. Defendants through actions showed to represent David Schroeder's interest & represented him with the Court to prevent litigation in wrong Court for wrong amount & allowing him to keep Plaintiff's property.

Defendant Bollinger disclosed Plaintiff's "confidential information" with Mr. Schroeder without Plaintiff's permission & known by his responses as disgusted with Defendant David Schroeder in the Collin County Justice Court lawsuit;

Legal Theories - When you hire an attorney, you deserve loyal, competent and trustworthy representation. The basic attorney-client privilege protects client communications with the attorney. It also extends to responsive communications from the lawyer to the client. Communication need not be so overt as an oral or written action. On the contrary, slightest action or inaction, such as an affirmative nod or complete silence, may constitute a communication, which was violated.

Undisclosed conflicts of interest - Your attorney must disclose any "conflicts of Interest," which could cause them to not represent your interests foremost. The Attorneys' loyalty must be to you alone as the client, which was violated here by these Wormington Law Firm 5 Defendants that is basis of this lawsuit;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

2) Stated Claims – Legal Malpractice Against All 5 Defendants

Material Facts – Wrong jurisdiction, wrong court, wrong amount of liability,

wrong home address, wrong pleadings, refused assault charge crime, no options given, refused mediation, failed to disclose material fact on theft & admission of Plaintiff's property known, refused communications for months, failed to disclose & conduct legal research, refused Plaintiff's instructions, refused jury trial, refused to investigate, false statements, empathy for Defendant Schroeder & protected his interests, missed court dates, while holding Plaintiff to a different standard, no timely disclosure of Court Orders, no proper court suit refiled, late withdrawal, withheld some of Plaintiff's file, caused dismissal of lawsuit, "conflict of interest," incompetence, lack of training, not thorough & not dependable. Plaintiff deserved loyal, competent and trustworthy representation, not negligent attorneys' actions or advise so legally deficient, failed to use skill & diligence as lawyers of ordinary skill & capacity commonly possess in performance of tasks as these 5 Defendants undertook, withheld material information, settlement offer, breached duty, their negligence, threats, causing Plaintiffs time, financial & property losses & damages as they refused to correct Plaintiff's own mailing address as 112, not 100 as stated by Defendant Schroeder as only 1 of many mistakes & "conflicts of interest" to sue

Legal Theories as stated below:

1. The lawyer owed a duty to provide competent and skillful representation;
2. The lawyer breached the duty by acting carelessly or by making a mistake;
3. The lawyer's breach caused an injury or harm; and
4. The harm caused a financial loss

Other typical examples of legal malpractice include:

- Poorly drafted documents
- Failure to advise clients of their options
- Failure to disclose material information to the client
- Failure to conduct legal research
- Failure to investigate

Missed Statute of Limitations

As professionals, attorneys can and should be held responsible for legal malpractice if they fail to file a suit within the restricted time frame dictated by the statute of limitations. If your case has been mishandled and allowed to languish past the time limitation to take appropriate action, we will be your advocate in a legal malpractice suit against your original attorney by focusing on what we believe would have plausibly occurred had your case been handled in a more timely manner.

Legal Malpractice Due to Conflict of Interest and Incompetence

If your lawyer had a conflict of interest for which they should have excused themselves, such as a purely personal or business interest in the outcome, this constitutes legal malpractice. You need a new lawyer. Our law firm also handles legal malpractice cases involving incompetence, including cases of attorneys taking on cases beyond their professional ability or training. Our law firm is thorough and dependable, and our attorneys remain accessible to our clients throughout their case.

Hiring an attorney, you deserve loyal, competent & trustworthy representation. The critical inquiry to determine whether an attorney was negligent is whether that attorney's actions or advise were so legally deficient when it was given that he or she may be found to have failed to use such skill & diligence as lawyers of ordinary skill & capacity commonly possess in performance of tasks undertaken.

Withholding information - If a settlement was offered in your case, the attorney is obligated to inform you of that offer. If you are not told about the offer, the attorney may be negligent. Additionally, you must be able to prove that without the attorney's negligence, you would have won the case. Plaintiff will by evidence.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages & justly entitled by laws;

3) Stated Claims - Fail to Know/Apply Law - Defendants were aware of legal principles involved, or where attorneys did research but failed to ascertain the appropriate principles. It applies in instances of erroneous reasoning from known principles. This applies where lawyer(s) simply fails to see legal implications of known facts or failed to apply all facts as required in Justice Court lawsuit;

Material Facts – Assault is a crime hidden & refused by Defendants, only plead conversion of property, not theft, property damages, frauds, intent, negligent misrepresentations, con man as repeat offender, but protected by my Attorneys as Mr. Schroeder claimed he has connections, bribes, retaliates at all cost & approval of good old boy assault is not use of laws by Defendants moral blame of Plaintiff ;

Legal Theories –One most common types of legal malpractice is attorney's failure to apply the law to the client's case. An attorney must competently represent his or her client and to do so, must conduct the necessary (and reasonable) amount of legal research for the client's case. Attorneys have access to a multitude of resources to use when it comes time to investigate and perform necessary research pertinent to the client's case. These resources range from various online research databases to local law libraries. There is rarely a shortage of information when it comes to legal issues, and it is important for an attorney to fully research the law to be certain that

he understands how it applies to the particular facts of client's case. Assault of person, theft of property & refused rent, vandalism is not just Schroeder conversion.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

4) Stated Claims – Various Frauds - Cause of action is fraudulent acts of these attorneys, whether covered by malpractice insurance or not.

Material Facts – Fraud is apart of legal malpractice as Defendants willfully suppress critical material evidence in Schroeder lawsuit, along with little work, no accuracy, no communication for months, delayed update on court Orders, wrong court, wrong amount, refused jury trial, refused correction of errors, refused mediation, incompetence, lack of basic experience, induce, threats, make false statements as relied upon to act upon, causing harms, injuries & losses;

Legal Theories- Extrinsic Fraud is commonly associated with Legal Malpractice in that it happens in a means wherein your attorney merely engages in Willful Suppression of critical "Material Evidence." With a little help from opposing counsel and court it is concealed in Pomp and Circumstance and buried deep in procedure that just seems to not make any sense at time it is happening. Fraud is a specialty related to intention to gain an unfair advantage using deceit & material misrepresentation as cause of action.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

5) Stated Claims - Conflict of Interest - It applies whether the lawyer knew or

did not know of the "conflict of interest".

Material Facts – Defendant Bollinger was representing Defendant Schroeder, protecting his interest, trying to get him off & wanted Plaintiff to settle for \$200 on a \$20, 208.00 liability lawsuit as he rigged this case, then withdrew to benefit of Defendant David Schroeder, as con man, while my attorney blamed Plaintiff, & Bollinger falsely claimed Schroeder never assaulted Plaintiff, when he was not even present, shows a "conflict of interest" against Plaintiff by corrupt, bribed, why he stopped working on lawsuit & would not communicate with Plaintiff;

Legal Theories - Conflict of Interest: A conflict between competing duties, as in an attorney's representation of clients with adverse interests. When you hire an attorney, you deserve loyal, competent and trustworthy representation;

Undisclosed conflicts of interest - Your attorney must disclose any "conflicts of Interest," which could cause them to not represent your interests foremost. The attorneys' loyalty must be to you alone as the client, not Defendant Schroeder.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

6) Stated Claims - Breach of Contract by Defendants

Material Facts – Defendants did not provide a written contract, but by actions, court filings & signed pleadings was implied & expressed contract representation to establish legal client-attorneys relationship of Plaintiff in the JP Schroeder lawsuit;

Legal Theories - Breach of contract - This is when someone goes against the terms agreed upon in a contract like competent representation of Plaintiff;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages, justly entitled by laws;

7) Stated Claims - Provide Care, Competent and Skillful Representation;

Material Facts - Wrong jurisdiction, wrong court, wrong amount of liability, wrong home address, wrong pleadings, refused assault charge, crimes, no options given, refused mediation, failed to disclose material fact of admission to Plaintiff's property, refused communications for months, failed to disclose & conduct legal research, refused Plaintiff's instructions, refused jury trial, refused to investigate, false statements made, empathy for Defendant Schroeder, protected his interests on missed court dates, while holding Plaintiff to a different standard, no timely disclosure of Court Orders, no proper court refiled, late withdrawal, withheld some of Plaintiff's file, false statements, caused dismissal of lawsuit, conflict of interest, incompetence, lack of training, not thorough & not dependable. Plaintiff deserved loyal, competent and trustworthy representation, not negligent attorneys' actions or advise so legally deficient given, failed to use such skill & diligence as lawyers of ordinary skill & capacity commonly possess in performance of tasks these 5 Defendants undertook, withheld material information & settlement offer, breached duty, negligence, threats, then claimed ridiculous settlement offer & no material information, lack of due diligence, causing Plaintiff's time, financial & property losses is not care, competence, skillful representation with loyalty to Plaintiff suits;

Legal Theories - When you hire an attorney, you deserve loyal, competent and trustworthy representation, not a lazy attorney, false statements, threats, errors, etc. See legal Malpractice point 2) as it applies to these 5 Defendants in this lawsuit;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

8) Stated Claims - Breach of Fiduciary Duty by Defendants

Material Facts – Defendants breached their duty owed to Plaintiff in the Schroeder lawsuit, was negligent (See Malpractice 2), made mistakes, did not do what was promised to do, caused Plaintiff damages by their breaches & behavior resulting in Plaintiff's financial losses of rent, property damages, theft of property & personal injury sexual assault, plus medical bills, loss of time & \$20,208.00, because of 4 Defendant Attorneys, who claim they do not speak about lawsuits as assets within the Defendant Wormington Law Firm is cover up, conspiracy, collusion & false;

If you have received poor advice from an attorney, your family's financial future has been damaged by your lawyer's negligence. Fiduciaries owe a duty of trust which can be breached.

- **breach-** the attorney breached their duty towards you by being negligent, made a mistake or did not do what they were contracted to do;
- **causation-** this behavior by the attorney caused you damages; and
- **damages-** the costs suffered resulted in a financial loss to you;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages, justly entitled by laws;

9) Stated Claims - Breach of Duty Owed to Plaintiff by all Attorneys

Material Facts -Incompetent, untrustworthy, cover up, conspiracy, age & disability discrimination, bias, prejudice, retaliation is obvious by actions & behavior of Defendants against Plaintiff's lawsuit, financial losses & sexual assault as now sues;

Legal Theories – Breached Duty Owed To Plaintiff By Defendants, Not Received:

- Give you guidance regarding your legal circumstance never done;
- Keep you up to date about your case, never done for months;

- Tell you what he or she thinks will transpire in your case, not done;
- Allow you to make the vital judgements concerning your case, not done;
- Give you an assessment about what your case ought to cost, not done;
- Help you in any cost-benefit evaluation that you may need, not done;
- Keep in communication with you, not done for months;
- Inform you of any changes, delays or setbacks, not done;
- Give you the information you need to make educated decisions, not done; and
- Prepare you for your case, including disposition and trial preparation, never.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

10) Stated Claims - Proximate Cause by Breaches of Duty by All Defendants

Material Facts -Wrong jurisdiction, wrong court, wrong amount of liability, wrong home address, wrong pleadings, refused assault charge, crimes, no options given, refused mediation, failed to disclose material fact to admission of Plaintiff's property, refused communications for months, failed to disclose & conduct legal research, refused Plaintiff's instructions, refused jury trial, refused to investigate, false statements made, empathy for Defendant Schroeder as protected his interests & missed court dates, while holding Plaintiff to a different standard, no timely disclosure of Court Orders, no proper court refiled, late withdrawal, withheld some of Plaintiff's file, false statements, caused dismissal of lawsuit, conflict of interest, incompetence, lack of training, not thorough & not dependable. Plaintiff deserved loyal, competent and trustworthy representation, not negligent attorneys' actions or advise, so legally deficient, failed to use such skill & diligence as lawyers of ordinary skill & capacity commonly possess in performance of tasks Defendants undertook, withheld material information, settlement offer, breached duty,

negligence, threats, withheld ridiculous settlement offer & material information, lack of due diligence, causing Plaintiff's time, financial & property losses, is not care, competence, skillful representation with loyalty to Plaintiff Amrhein as sues;

Legal Theories - When a person is injured due to another person's or entity's negligence, he or she can recover economic and noneconomic damages that flow from the negligence. Among the elements that the plaintiff suing for negligence will have to prove is that the defendant's violation of a duty was the actual and proximate cause of his or her injuries. He or she will also have to prove duty, breach of duty, and damages. Actual cause, also known as "cause in fact," is straightforward. follow the "but for" rule to determine if an event is the proximate cause. This rule considers whether the injury would not have happened, but for the defendant's negligent action or omission. When there is a finding that an injury would not have happened, but for a defendant's action, it establishes the element of proximate cause. Substantial factor in causing the injury. In jurisdictions that follow substantial factor test, a substantial factor is one that contributes materially to occurrence of an injury. An action contributes materially when its causative effects are in operation until the moment of injury;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages, justly entitled by laws;

11) Stated Claims – Negligence By These 5 Defendants Against Plaintiff

Material Facts - Wrong jurisdiction, wrong court, wrong amount of liability, wrong home address, wrong pleadings, refused assault charge, crimes, no options given, refused mediation, failed to disclose material fact to admission of Plaintiff's property, refused communications for months, failed to disclose & conduct legal research, refused Plaintiff's instructions, refused jury trial, refused to investigate, false statements made, empathy for Defendant Schroeder as protected his interests

& missed court dates, while holding Plaintiff to a different standard, no timely disclosure of Court Orders, no proper court refiled, late withdrawal, withheld some of Plaintiff's file, false statements, caused dismissal of lawsuit, conflict of interest, incompetence, lack of training, not thorough & not dependable. Plaintiff deserved loyal, competent and trustworthy representation, not negligent attorneys' actions or advise, so legally deficient, failed to use such skill & diligence as lawyers of ordinary skill & capacity commonly possess in performance of tasks Defendants undertook, withheld material information, settlement offer, breached duty, negligence, threats, withheld ridiculous settlement offer & material information, lack of due diligence, causing Plaintiff's time, financial & property losses is not care, competence, skillful representation with loyalty to Plaintiff Amrhein as sues;

Legal Theories of Negligence - This occurs when an attorney fails to act in a way that a reasonable attorney would be expected to act & fails to meet expectations which then cause damage. If attorneys are negligent in providing adequate, competent counsels, you have a case for malpractice. Here are some ways an attorney may breach the duty of care owed to client Plaintiff by 5 Defendants;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

12) Stated Claims – Level of Gross Negligence Against Plaintiff Amrhein

Material Facts - Wrong jurisdiction, wrong court, wrong amount of liability, wrong home address, wrong pleadings, refused assault charge crime, no options given, refused mediation, failed to disclose material fact of admission of Plaintiff's property, refused communications for months, failed to disclose & conduct legal research, refused Plaintiff's instructions, refused jury trial, refused to investigate,

false statements made, empathy for Defendant Schroeder & protected his interests & missed court dates, while holding Plaintiff to a different standard, no timely disclosure of Court Orders, no proper court refiled, late withdrawal, withheld some of Plaintiff's file, false statements, caused dismissal of lawsuit, conflict of interest, incompetence, lack of training, not thorough & not dependable. Plaintiff deserved loyal, competent and trustworthy representation, not negligent attorney's actions or advise, so legally deficient, failed to use such skill & diligence as lawyers of ordinary skill and capacity commonly possess in performance of tasks Defendants undertook, withheld material information, settlement offer, breached duty, negligence, threats, withheld ridiculous settlement offer & material information, lack of due diligence, causing Plaintiff's time, financial & property losses is not care, competence, skillful representation with loyalty to Plaintiff Amrhein as sues;

Legal Theories Gross negligence is a conscious voluntary disregard of the need to use reasonable care, which is likely to cause foreseeable grave injury or harm to persons, property, or both. It is conduct that is extreme when compared with ordinary **Negligence**, which is a mere failure to exercise reasonable care. Ordinary negligence & gross negligence differ in degree of inattention while both differ from willful and wanton conduct;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

13) Stated Claims - Willful Wanton Negligence Against Plaintiff Amrhein

Material Facts - Wrong jurisdiction, wrong court, wrong amount of liability,

wrong home address, wrong pleadings, refused assault charge crime, no options given, refused mediation, failed to disclose material fact of admission of Plaintiff's property, refused communications for months, failed to disclose & conduct legal research, refused Plaintiff's instructions, refused jury trial, refused to investigate, false statements made, empathy for Defendant Schroeder & protected his interests & missed court dates, while holding Plaintiff to a different standard, no timely disclosure of Court Orders, no proper court refiled, late withdrawal, withheld some of Plaintiff's file, false statements, caused dismissal of lawsuit, conflict of interest, incompetence, lack of training, not thorough, not dependable. Plaintiff deserved loyal, competent and trustworthy representation, not negligent attorneys' actions or advise, so legally deficient given, failed to use such skill & diligence as lawyers of ordinary skill & capacity commonly possess in performance of tasks Defendants undertook, withheld material information, settlement offer, breached duty, negligence, threats, withheld ridiculous settlement offer & material information, lack of due diligence, causing Plaintiff's time, financial & property losses is not care, competence, skillful representation with loyalty to Plaintiff Amrhein to sue;

Legal Theory Willful and wanton conduct, which is conduct that is reasonably considered to cause injury. This distinction is important, since contributory negligence - a lack of care by defendant's conduct to cause plaintiff's injury completely, not a defense to willful and wanton conduct, but a defense to gross negligence a defense to willful & wanton conduct but is defense to gross negligence. Finding of willful & wanton misconduct usually supports recovery of **Punitive Damages**,

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

14) Stated Claims – Fraudulent Misrepresentations Against Plaintiff

Material Facts - Wrong jurisdiction, wrong court, wrong amount of liability, wrong home address, wrong pleadings, refused assault charge crime, no options given, refused mediation, failed to disclose material fact of admission of Plaintiff's property, refused communications for months, failed to disclose & conduct legal research, refused Plaintiff's instructions, refused jury trial, refused to investigate, false statements made, empathy for Defendant Schroeder & protected his interests & missed court dates, while holding Plaintiff to a different standard, no timely disclosure of Court Orders, no proper court refiled, late withdrawal, withheld some of Plaintiff's file, false statements, caused dismissal of lawsuit, conflict of interest, incompetence, lack of training, not thorough & not dependable. Plaintiff deserved loyal, competent and trustworthy representation, not negligent attorneys' actions or advise so legally deficient given, failed to use such skill & diligence as lawyers of ordinary skill and capacity commonly possess in performance of tasks Defendants undertook, withheld material information, settlement offer, breached duty, negligence, threats, withheld ridiculous settlement offer & material information, lack of due diligence, causing Plaintiff's time, financial & property losses is not care, competence, skillful representation with loyalty to Plaintiff Amrhein as sues;

Legal Theories Under contract law, a plaintiff can recover compensatory damages against a defendant when a court finds that the defendant has committed fraudulent misrepresentation. Courts will typically find that a defendant has committed fraudulent misrepresentation when six factors have been met:

1. a representation was made
2. the representation was false
3. that when made, the defendant knew that the representation was false or that the defendant made the statement recklessly without knowledge of its truth
4. that the fraudulent misrepresentation was made with the intention that the plaintiff rely on it

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5. that the plaintiff did rely on the fraudulent misrepresentation
6. that the plaintiff suffered harm as a result of the fraudulent misrepresentation

Recovery "Today, the most common measure of compensatory damages for the tort of fraudulent misrepresentation is benefit-of-the-bargain damages—the same as expectation interest compensatory damages for breach of contract. In the fraudulent misrepresentation context, the benefit-of-the-bargain measure of damages allows the plaintiff to recover the difference in value of the property as represented by the defendant and the value of the property the plaintiff ultimately received. Under this measure, the plaintiff 'will have no loss' and 'will achieve any economic gains he would have had if the representations had been correct.'"

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

15) Stated Claims - Negligent Misrepresentations Against Plaintiff Amrhein

Material Facts - Wrong jurisdiction, wrong court, wrong amount of liability, wrong home address, wrong pleadings, refused assault charge crime, no options given, refused mediation, failed to disclose material fact of admission of Plaintiff's property, refused communications for months, failed to disclose & conduct legal research, refused Plaintiff's instructions, refused jury trial, refused to investigate, false statements made, empathy for Defendant Schroeder & protected his interests & missed court dates, while holding Plaintiff to a different standard, no timely disclosure of Court Orders, no proper court refiled, late withdrawal, withheld some of Plaintiff's file, false statements, caused dismissal of lawsuit, conflict of interest, incompetence, lack of training, not thorough, not dependable. Plaintiff deserved loyal, competent and trustworthy representation, not negligent attorney's actions or advise so legally deficient given, failed to use such skill and diligence as lawyers of ordinary skill and capacity commonly possess in performance of tasks which Defendants undertook, withheld material information, settlement offer, breached duty, negligence, threats, withheld ridiculous settlement offer & material information, lack of due diligence, causing Plaintiff's time, financial & property

losses is not care, competence, skillful representation with loyalty to Plaintiff sues; **Legal Theories** Negligence” is a term frequently used in tort law. It means that someone violates a legal duty of care they owed another, even if there was no contractual relationship between them. If you drive a car, for instance, you have a duty of care to the other people on the road to operate your vehicle safely.

Negligent misrepresentation occurs when someone recklessly makes a false statement, without a reasonable belief that it is true, for the purpose of inducing you to enter into a business transaction. The Texas Supreme Court has outlined the four elements of negligent misrepresentation as follows:

1. The defendant makes a representation “in the course of his business” or in pursuit of a transaction where he has a personal financial interest;
 2. The defendant supplies “false information” to “guide” others in their own business;
 3. The defendant failed to “exercise reasonable care” in gathering or disseminating the false information; and
 4. The plaintiff suffered a financial loss due to his or her “justifiable reliance” on the defendant’s representations;
- The false statement must refer to a past or existing fact. Personal opinions and predictions about the future are not grounds for negligent misrepresentation.
 - A false statement is negligent where the speaker has no reasonable grounds for believing it is true. A mistake or accidental omission does not count. But unlike fraud, which requires knowing a statement is false, negligent misrepresentation may occur even if the speaker did not know for sure the statement was false.
 - However, the false statement must be made with the intent of convincing the plaintiff to do something.

If you can prove that you were the victim of negligent misrepresentation, you can ask the court to compensate your losses.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

16) Stated Claims - Breach of Trust, Intent, Bad Faith & or Malice

Material Facts – Defendants together & separately violated their duties under Wormington Law Firm making them all liable, untrustworthy as breached duties, intent & bad faith to cause Plaintiff & Justice Court losses that was foresee able as attorneys for over 1 year, denied promises, broke confidentiality, acted in bad faith & malice then Attorney Bollinger showed the Conflict of interest with Schroeder as supported & discussed my personal information, degrading Plaintiff's morals comparing it to a con man with pattern & practice was disgusting;

Legal Theories of Intent, Bad Faith, Malice Against Plaintiff Amrhein

- 1) any act which is in violation of the duties or a trustee or of the terms of a trust. Such a breach need not be intentional or with malice. but can be due to negligence
- 2) breaking a promise or confidence.

Intent - mental desire and will to act in a particular way, including wishing not to participate. Intent is a crucial element in determining if certain acts were criminal.

Bad Faith-The intentional refusal to fulfill a legal or contractual obligation, misleading another, or entering into an agreement without intending to or having the means to complete it. Most contracts come with an implied promise to act in good faith is not what Plaintiff received in JP case & now in this current lawsuit.

Malice - Malice in law is the intent, without justification excuse or reason, to

commit a wrongful act that will result in harm to another. Malice means the wrongful intention and includes all types of intent that law deems to be wrongful. Legally speaking any act done with a wrong intention is done maliciously. An example of a malicious act would be committing the tort of slander. If Attorney Bollinger did not want to do the work, then why did he continue for 1 year & not turn it over to one of his associates with knowledge of this lawsuit as discussed firm asset or they got they pay as Mr. Schroeder bragged about bribery to save because he has friends in high places as used before;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

17) Stated Claims - Procrastination in Performance of Services or

Lack of Follow-Up : This category applies where the delay in dealing with a client's matter by a lawyer causes a loss even though there may not have been a formal lapse of a time limitation, or the intervention of another interest adverse to that of the client, such as the loss of a sale of business, disappearance of evidence, or loss of witnesses which occurred as a result of the lawyer's delay. Lack of follow-up is also covered under this category. This includes the instances where the attorney has initiated some type of action, but has not followed up to make sure the necessary action is taken. (No follow up by Defendants in JP Case.)

Material Facts – Plaintiff had to contact Attorney Bollinger 3 times just to get information on a judges signed Order before surgery. Plaintiff offered Attorney Bollinger specific information to aid at trial & list of witnesses & he refused it all.

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Plaintiff scheduled cheap mediation & he claimed he & Schroeder were not available no matter the varied dates. Plaintiff offered to bring all organized exhibits & evidence to his office & was told by Attorney Bollinger it was not necessary, when he could not correct my address for almost one year. When Attorney Bollinger threatened me at Christmas to take \$200.00 on a \$20, 208.00 liability lawsuit or he would quit as attorney & claimed he would not add the sexual assault, property damages as proven with pictures, repair bills & used his moral standard excuse like I was to blame for sexual assault because I was a woman was absolutely disgusting, degrading & a male, who patronizes, disparages, or otherwise denigrates females in the belief that they are inferior to males and thus deserving of less then equal treatment or benefit as he supported Mr. Schroeder who was not at this meeting & had conversations about my confidential business as this attorney was reminded I did not give my permission for those activities. Sounds crazy to take any word & denial from an ex con, who swindles women.

1. **Legal Theories** - It becomes evident that there is in Collusion with the opposing side and there is intent and Self Dealing through the Errors of Omission;
2. **Fraud**: Fraud is a specialty related to Intention gain an unfair advantage using deceit and material misrepresentation, which all amounts to the making of a legal malpractice;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

18) Stated Claims - Fail to Follow Instructions the attorney has been given instructions to follow by the client, but fails to follow these instructions either intentionally or unintentionally;

Material Facts – Plaintiff asked for correction of errors on pleadings & denied. Plaintiff asked for updates on lawsuit & ignored for months after messages & emails. Plaintiff asked to add an indispensable party & refused. Plaintiff asked to

have examination of all certified evidence & exhibits & refused. Plaintiff asked for a jury trial to be scheduled & refused. Plaintiff asked that Attorney Bollinger, et al Amend the pleading to include all losses & refused. Plaintiff asked for various dates on reasonable mediation & was refused as his interest & excuses were on behalf of Mr. Schroeder, "conflict of interest" not disclosed but obvious by acts;

Legal Theories - Unfortunately, some attorneys can destroy that relationship by committing malpractice. Legal malpractice occurs when an attorney owes a duty to a client, breaches that duty, and the client is harmed as a result. Legal malpractice can in some cases be the result of simple negligence, and in other cases it can be intentional. Defendants went out of their way to destroy Plaintiff & the JP lawsuit & now is doing the harassment & ADA violations to injure my health to let them win after all illegal acts is disgusting & will continue & Appeal under the ADA & Laws.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

19) **Stated Claims - Fail to Obtain Client Consent** client asserts that, if client had been fully informed by the lawyer of various alternatives or the risks involved, a different course of action would have been selected. It would also apply where the lawyer should have communicated with client and obtained consent to proceed but did not by omissions.

Material Facts -No matter how many times Plaintiff called Cathy, Bollinger, the others at Wormington Law Firm I got no response for months & if I went to office

I got nothing but excuses & we will tell them you came by. Plaintiff took them candy to get cooperation & still few words, busy, no time, more insults or refusals;

Legal Theories - The *2000-2003 Profile of Legal Malpractice Claims* published by the ABA Standing Committee on Lawyers' Professional Liability indicates that 5.75 percent of the claims in their sample cited an alleged failure to obtain client consent or inform the client.

Failing to properly communicate with clients will not only land a lawyer in malpractice trouble, it is also an ethical violation. ABA Model Rule 1.4 Communication states that a lawyer "shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation" and shall

1. promptly inform the client of any decision or circumstance with respect to the client's informed consent, as defined in Rule 1.0(e) . . . ;
2. reasonably consult with the client about the means by which the client's objectives are to be accomplished;
3. keep the client reasonably informed about the status of the matter;
4. promptly comply with reasonable requests for information; and
5. consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

As stated above, a frequently cited error leading to malpractice claims and ethical complaints is a failure to provide the client with sufficient information. Rule 1.4 makes it clear that a lawyer has a duty to keep clients reasonably informed about the status of their matter, and that a lawyer must comply promptly with requests for information and clearly explain matters to the client so that the client can make informed decisions about his or her case.

In some situations, it is clear how and what to properly communicate with the client. For example, offers of settlement must be discussed thoroughly and promptly. Other situations are not quite as clear. A lawyer cannot always be expected to describe in detail trial strategy or settlement negotiations, but general strategy and prospects of success should be explained to the client.

Keeping the client well informed means communicating with the client whenever there is activity on the client's case. It also means contacting the client regularly

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when the case is inactive, if only to let the client know the case is still being attended to by the lawyer.

Attorneys should communicate with their clients in at least the following ways:

- Copy all letters to the client. By sending clients copies of all correspondence that pertains to their case, clients can be satisfied that their lawyer is attending to their case. This procedure also eliminates possible future questions as to whether or not the client was informed of crucial case activity.
- Contact the client at least once every 30 days. If you cannot make the contact, staff should be trained to do so. If a telephone call cannot be made, use e-mail or regular mail. Make certain telephone calls are well documented in the file. If you do not have time for this procedure and do not have staff to make the contacts, it is a sign you have too many cases, and the risk of a malpractice claim or ethical complaint greatly increases.
- Return all telephone calls and respond to all e-mail from the client. A simple breakdown in communications as the result of a lost or forgotten e-mail or an unreturned telephone call can be the beginning of irreparable loss of client trust. Keep all telephone call slips and all e-mails in the client file. This documentation will support your recollection of the communication and show that you properly provided legal advice.
- Take detailed notes of all communications with the client. Nothing is more valuable to the defense of a legal malpractice action or an ethical complaint than the file notes that describe all communication with the client.

It is important to remember that clients must be treated the way *they* want to be treated. Do not expect the client to learn "legalese." Instead, the lawyer must learn "client speak." Ensure during your communications that clients understand exactly what you are communicating to them. Often, clients will acknowledge remarks with a nod, even though they haven't the slightest idea what you are saying. If you have any doubt whether the client understands your advice, ask.

Pleasing every client is most likely not possible. But by following the above recommendations, the risks of becoming the subject of a malpractice claim or ethical complaint diminish significantly. Maintaining strong professional communication skills is an integral part of being a successful lawyer.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

20) Stated Claims - Fail to File Documents – These lawyers failed to release files, failed to communicate timely, failed to correct errors filed, & failed to file all stated claims & causes of action in 2 lawsuits;

Material Facts -No accurate pleadings, no accurate address, no accurate stated claims, no examination of evidence for trial, no jury trial, no explanations in JP.

Legal Theories May want to sue your attorney for malpractice if the attorney made significant errors while representing you, sent you a bad check, failed to contact you or settled your case without your permission. Lawyers are bound by the standards of the bar association in the state where they are licensed. If your attorney did not adhere to these standards, you may have a malpractice case.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws

21) Stated Claim - Fail to Calendar & React –Defendants were aware of existence of a time deadline and what it was, but did not initiate any kind of calendar entry reminder to himself or others in the office.

Material Facts -Defendants violate their professional Code of Conduct & Ethics, which this court wanted removed & eliminated as part of a Malpractice claim, so the Jan. 30, 2018 was to manipulate this court record to devalue this lawsuit & allow the Defendants to walk free for illegal acts, which is a “conflict of interest.” The only fracture in this case is all Defendants law licenses made of their own bad choices to commit illegal acts against Plaintiff as now sues;

Legal Theories - The American Bar Association (ABA), in its 2010 Law Practice publication titled “The Most Common Legal Malpractice Claims”¹ set out the types of legal errors that are serious enough to be considered malpractice. The most

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common errors are failing to know and apply the law, planning errors, inadequate discovery or investigation, failing to file documents (ones with no deadlines), failure to calendar, failure to know deadlines, procrastination, failure to obtain client consent, conflict of interest, fraud, failure to follow instructions, failing to react to a calendar, malicious prosecution, error in record search, clerical error, improper withdrawal, libel or slander, civil rights violations, among others.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

22) Stated Claims - Planning Error to a contested proceeding where the lawyer has an adequate knowledge of the facts and legal principles and makes an error in judgement as to how Plaintiff's matter should be handled. The cases of wrong decisions where the lawyer knows facts and law. These are usually strategy and judgement errors or if the alleged error occurs because of a lack of knowledge of facts which should have been discovered by the attorney, or clear legal principles which the attorney should have known;

Material Facts What planning did Defendants do to error? The most basic of duties was not performed correctly with 4 Defendants at Wormington, but not one knows basic principles & duties of first year lawyer shows, money not clients was their only concern. When Defendant Bollinger thought he could bribe me for silence & removal of this lawsuit it never occurred to him that I was damaged for \$20,208.00 as this so called inferior female. Defendants true colors show by their

illegals acts & false statement & now they want the Judge to bail them out by
remove most charges to even destroy the Legal Malpractice Claim by dirty tricks;

Legal Theories - Along with failure to apply the law, inadequate fact discovery and missed deadlines, poor choices in case planning and/or strategy (strategy error) can also lead to legal malpractice. For example, if the attorney is practicing an area of the law that is outside of his or her area of practice or comfort (a real estate attorney practicing criminal law or vice versa), the use of proper strategy for a given matter could be severely jeopardized. But even the most experienced lawyers practicing in their given area of practice can make critical planning and strategy errors. Lawyers oftentimes have a wide range of necessary strategy and planning required for a given matter.

Negligent choices in in setting forth the necessary and proper claims and/or defenses can be tied directly to a lawyer's planning and strategy and can lead to malpractice. Additionally, negligent choices in discovery, settlement and/or trial strategy can also lead to legal malpractice claims against attorneys. For example, failing to assert certain claims or defenses could negatively affect the outcome of the client's case. Additionally, negligent settlement or trial planning could also greatly affect a client's rights & now ADA violations of harassment of disabled;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

23) Stated Claims - Failure to Know or Ascertain Deadline Correctly :

Material Facts -Sloppy, no work, no accuracy, no communication, bias, etc.

Legal Theories 1) Failing to Maintain a Comprehensive Calendaring/Docket Control System 2) Waiting Until the Last Minute to File the Complaint 3) Failing to Know the Correct Statute of Limitation 4) Ethical Considerations to Client While each lawyer has his or her favorite clients, all clients must be treated with the same level of communication and respect that benefits the competent practice of law.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

24) Stated Claims - Clerical Errors

Material Facts -Told by Cathy Defendants clerk that errors did not matter;

Legal Theories A **clerical error** is an error on the part of an office worker, often a secretary or personal assistant. It is a phrase which can also be used as an excuse to deflect blame away from specific individuals, such as high-powered executives, and instead redirect it to the more anonymous clerical staff;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

25) Stated Claims - Errors in Record & Math explains missed deadlines

Material Facts -Errors & needed correction was ignored & no depositions, etc.;

Legal Theories – See Number 26 on how to win this Legal Malpractice Suit;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

26) Stated Claims - Lost File & Document pertains to all instances where the alleged error was due to a lost file, document, or evidence.

Material Facts- Error can't occur if Defendants won't do the work intentionally;

Legal Theories - To win a malpractice case against an attorney, you must prove four basic things:

- duty -- that the attorney owed you a duty to act properly
- breach -- that the attorney breached the duty: she was negligent, she made a mistake, or she did not do what she agreed to do
- causation -- that this conduct hurt you financially, and
- damages -- that you suffered financial losses as a result.

In practical terms, to win a malpractice case, you must first prove that your attorney made errors in how she handled your case. Then you must show that you would have won the underlying case that the lawyer mishandled. (This second part is not required in Ohio.) Finally, you will have to show that if you had won the underlying case, you would have been able to collect from the defendant.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

27) Stated Claims - Inadequate Discovery of Facts or Inadequate Investigation :

claimant alleges that certain facts which should have been discovered by the attorney in a careful investigation or in the use of discovery procedures were not discovered or discerned.

Material Facts – Defendants did not investigations, plead a couple questions on original petition, followed up with No Discovery in JP lawsuit against Schroeder, no deposition & gave false statements about service of summons with no documentation, held no investigations & refused all Plaintiff investigations & evidence as a “conflict of interest to protect Mr. Schroeder, while causing harm to Plaintiff as Texas licensed Attorneys violating ethics & Code of Conduct;

Legal Theories One of the most important phases of a commercial litigation or civil litigation case is discovery and inadequate fact discovery, in certain circumstances, can result in a legal malpractice claim . Fact discovery is the part of the litigation when the parties to the litigation, lead by their attorneys, investigate the facts and request information and facts from one another to help prepare the case as they move towards hearing or trial. Through discovery, the lawyers are able to further investigate and to seek the production of previously unknown facts that could be critical to the client’s litigation matter, whether the facts are good or bad for the client’s case. Common methods of discovery include written interrogatories, document requests (requesting the production of paper and electronic information) and depositions;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

28) Stated Claims -Poor Communication or No Communications For Months

Material Facts- Plaintiff received no phone calls, months passed with no emails &

I had to send multiple message to find out about signed Orders with no copies;

Legal Theories Lawyers are expected to remain in constant communication with their clients regarding updates and pending deadlines. This is necessary to keep the case moving forward and to permit clients to make prudent legal decisions. Bad Attorneys **Unreturned phone calls** – A lawyer who fails to return phone calls in a timely manner, or at all, does not place a premium on client service. He may be too busy with other cases, uncertain with how to proceed with your case or ignoring your matter altogether as Bad Lawyers:

Unanswered e-mails – Like unanswered phone calls, unanswered emails can indicate that the lawyer is too busy, stressed or overwhelmed to handle your case or is not making your matter a priority.

Missed deadlines – Missing deadlines, especially court filing deadlines, can seriously damage your case. If a lawyer consistently misses deadlines, it is best to terminate the relationship and move on.

Poor attitude – A lawyer who displays a condescending, uncommunicative, rude, impatient or otherwise poor attitude may be difficult to work with. A poor attorney-client relationship may create conflict, tension, and ill-will.

Lack of proper calendaring system – A reliable, organized calendaring system is critical to meeting deadlines and prioritizing multiple obligations. A lack of a proper calendaring system can lead to missed deadlines and other disasters.

Promise of a court victory or successful outcome – An attorney should never promise his client a specific outcome, no matter how likely that outcome may be.

Be wary of promises of a sure-fire victory.

Refusal to provide references – A refusal to provide references or let you talk with past clients indicates that the lawyer had problems with past clients that he does not want you to know about.

Work Premises:

A lawyer's work premises, from the building location and exterior to the reception room, conference room and offices, can speak volumes about a lawyer's work practices and clientele. Below are a few signs that all is not well.

Office space in state of disrepair – Office space or property in poor disrepair can signal financial problems on the part of the lawyer.

Large number of empty offices – A high number of empty offices can signal significant employee turnover, too-rapid growth or financial problems.

Unkempt, disorderly office – A messy, cluttered office is a red flag for disorganization and inefficiency. Perhaps the lawyer thrives in chaos but do you want to risk losing important paperwork or missing a deadline?

Stacks of unfiled papers or unopened mail – A backlog of filing or unopened mail may indicate that the lawyer lacks proper support staff or is disorganized, unmotivated or overwhelmed.

Lawyer's Staff

A look at the lawyer's staff members and how he interacts with personnel can provide clues to his effectiveness, competence, reliability, and ethics.

Unhappy staff members – Disgruntled employees or low workplace morale can signal poor lawyer-staff communication, strained relationships and a lack of caring. A lawyer who treats staff poorly - through bullying, verbal abuse, rudeness and other behavior - can fuel conflict, tension, and ill-will. If the lawyer fails to treat his employees well, will he treat clients well?

High turnover rate – High employee attrition can signal dissatisfaction with the law firm in general or the lawyer specifically. Committed and satisfied employees are more likely to remain with a firm, regardless of pay or benefits.

Lack of staff - A lawyer who lacks adequate support staff may be difficult to work with or may be experiencing financial difficulties.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

29) Stated Claims – Omissions & Collusion

Material Facts Defendants refusal to update case, correct errors, disclose conflict of interest, no discovery, no correct pleadings & stated claims, no jury trial, no mediation & waiting until last minute to withdraw are all omissions & collusion with

Wormington Law Firm Defendants & partners that never talk & conflict of interest;

Legal Theories It becomes evident that there is in Collusion with the opposing side and there is intent and Self Dealing through the Errors of Omission

Collusion - A secret agreement between two or more persons, who seem to have conflicting interests, to abuse the law or the legal system, deceive a court or to defraud a third party.

Omission - Omission is a failure to carry out or perform an act. Omission is a neglect of duty. Law imposes a duty on every person to take adequate action to prevent a foreseeable injury. In Criminal law, omissions may give rise to lawsuits and will constitute a guilty act if a person breaches his duty. If a person fails to act knowingly that his/her failure would cause a harm or injury to other person(s), then such a failure constitutes an omission. Act of leaving out a word or other language from a contract or any other document is also an omission; however, the document may be reformed if the parties agree that omission was a mutual mistake.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

30) Stated Claims – Neglect Against Plaintiff & Schroeder JP Lawsuit

Material Facts - A disregard of duty resulting from carelessness, indifference, or Willfulness as demonstrated for over a year by these Defendants in winning case;

Legal Theories – A client will need to establish several factors in order to prevail. The most common type of legal malpractice occurs because of negligence, the breach of a fiduciary duty, or a breach of contract. (These items Court demanded Plaintiff remove.)

The failure to file paperwork by a deadline is a form of negligence. To establish legal malpractice under negligence, it is necessary to demonstrate the following:

- The lawyer owed a duty to provide competent and skillful representation;
- The lawyer breached the duty by acting carelessly or by making a mistake;
- The lawyer's breach caused an injury or harm;
- The harm caused a financial loss.

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To win a legal malpractice claim, it is also necessary to show that if the lawyer had been competent the client would have prevailed in the underlying case and the client would have been able to collect the damage award from the defendant. This element, known as causation, is often the most difficult to prove in a legal malpractice lawsuit.

Does my lawyer have to keep our communication confidential?

Yes. An attorney has a duty of confidentiality to a client. An attorney, therefore, may not disclose the information a client reveals to a third party without the consent of the client. For the most part, except under a few circumstances, this applies regardless of whether the client requested confidentiality as Plaintiff Amrhein did against Schroeder;

If it appears that the lawyer has stopped working on a case altogether, this may amount to legal malpractice. An attorney has a duty of due diligence, which means that the attorney must work promptly and diligently on a case until it reaches completion. The failure to do so violates the attorney's duty to a client.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

31) Stated Claims – Concealment Against Plaintiff Amrhein

Material Facts - Lack of service, lack of discovery, lack of intent, timely notice of settlement offer, no jury trial, no lawyer at trial, no mediation, no correction of errors, late notice of judge's Orders, wrong court & jurisdiction wrong liability;

Legal Theories Concealment is the act of refraining from disclosure especially an act by which one prevents or hinders the discovery of something; a cover-up. It is an affirmative act intended or known to be likely to keep another from learning of a fact of which s/he would otherwise have learned. Such affirmative action is always equivalent to a misrepresentation & has any effect that a misrepresentation would have For example, unlawful suppression of any fact or circumstance by one of the parties to a contract from the other, which in justice ought to be made known, will amount to concealment as these Defendants did to Plaintiff as sues;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

32) Stated Claims – Deception or Deceit Against Plaintiff Amrhein

Material Facts – Plaintiff had no reason to believe that they would hurt & destroy Plaintiff causing all these losses & when discovered wanted to terminate them, but just wanted to get JP case before the jury;

Legal Theories - Deceit is the intentional act of misleading a person of ordinary prudence by giving false impression. If a person knowingly or recklessly misrepresent a fact to another he is said to deceit the other. Tortuous liability can be imposed on a person who falsely represents a fact with the intention to make another person detrimentally rely and act upon it.

The four elements of the tort of deceit are: False representation of a fact.

Representation made with the knowledge that it is false.

Intention to make the plaintiff to act upon the belief that the fact is true.

Proof of damage sustained by the plaintiff upon acting on the false information.

Deception may involve dissimulation, distraction, camouflage, concealment, propaganda, or sleight of hand.

Generally deception is the act of causing one to believe information that is not true or an untruth or not the whole truth. The Federal Trade Commission will find an act or practice deceptive if there is a misrepresentation, omission, or other practice that misleads the consumer acting reasonably in the circumstances, to the consumer's detriment.

(a) A person who:

(1) being an officer, manager, or other person participating in the direction of a credit institution, knowingly or intentionally receives or permits the receipt of a deposit or other investment, knowing that the institution is insolvent;

(2) knowingly or intentionally makes a false or misleading written statement with intent to obtain property, employment, or an educational opportunity;

(3) misapplies entrusted property, property of a governmental entity, or property of a credit institution in a manner that the person knows is unlawful or that the person knows involves substantial risk of loss or detriment to either the owner of the property or to a person for whose benefit the property was entrusted;

(4) knowingly or intentionally, in the regular course of business, either:

(A) uses or possesses for use a false weight or measure or other device for falsely determining or recording the quality or quantity of any commodity; or

(B) sells, offers, or displays for sale or delivers less than the represented quality or quantity of any commodity;

(5) with intent to defraud another person furnishing electricity, gas, water, telecommunication, or any other utility service, avoids a lawful charge for that service by scheme or device or by tampering with facilities or equipment of the person furnishing the service;

(6) with intent to defraud, misrepresents the identity of the person or another person or the identity or quality of property;

(7) with intent to defraud an owner of a coin machine, deposits a slug in that machine;

(8) with intent to enable the person or another person to deposit a slug in a coin machine, makes, possesses, or disposes of a slug;

(9) disseminates to the public an advertisement that the person knows is false, misleading, or deceptive, with intent to promote the purchase or sale of property or the acceptance of employment;

(10) with intent to defraud, misrepresents a person as being a physician licensed under IC 25-22.5; or

(11) knowingly and intentionally defrauds another person furnishing cable TV service by avoiding paying compensation for that service by any scheme or device or by tampering with facilities or equipment of the person furnishing the service; commits deception, a Class A misdemeanor.

(b) In determining whether an advertisement is false, misleading, or deceptive under subsection (a) (9), there shall be considered, among other things, not only representations contained or suggested in the advertisement, by whatever means, including device or sound, but also the extent to which the advertisement fails to reveal material facts in the light of the representations.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

33) Stated Claim - Harassment Against Plaintiff Amrhein

Material Facts – This is like harassment of Mr. Schroeder as experience who Defendants defended & now as Plaintiff is disabled, sick in need of 2 back surgeries denied is treated in this way by Defendants & their Attorneys with threats;

Legal Theories - Harassment is governed by state laws, which vary by state, but is generally defined as a course of conduct which annoys, threatens, intimidates, alarms, or puts a person in fear of their safety. Harassment is unwanted, unwelcomed and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. Harassing behavior may include, but is not limited to, epithets, derogatory comments or slurs and lewd propositions, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons.

The following is an example of a state law dealing with harassment: "S 240.25 Harassment in the first degree.

A person is guilty of harassment in the first degree when he or she intentionally and repeatedly harasses another person by following such person in or about a public place or places or by engaging in a course of conduct or by repeatedly committing acts which places such person in reasonable fear of physical injury. This section shall not apply to activities regulated by the national labor relation labor relations act, as amended, the railway labor act, amended, or federal employment labor management act, as amended.

Harassment in the first degree is a class B misdemeanor. S 240.26 Harassment in the second degree. A person is guilty of harassment in the second degree when, with intent to harass, annoy or alarm another person:

1. He or she strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same; or
2. He or she follows a person in or about a public place or places; or
3. He or she engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

Subdivisions two and three of this section shall not apply to activities regulated by the national labor relations act, as amended, the railway labor act, as amended, or the federal employment labor management act, as amended. Harassment in the second degree is a violation. S 240.30 Aggravated harassment in the second degree.

A person is guilty of aggravated harassment in the second degree when, with intent to harass, annoy, threaten or alarm another person, he or she:

1. Either (a) communicates with a person, anonymously or otherwise, by telephone, or by telegraph, mail or any other form of written communication, in a manner likely to cause annoyance or alarm; or (b) causes a communication to be initiated by mechanical or electronic means or otherwise with a person, anonymously or otherwise, by telephone, or by telegraph, mail or any other form of written communication, in a manner likely to cause annoyance or alarm; or
2. Makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; or
3. Strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct; or
4. Commits the crime of harassment in the first degree and has previously been convicted of the crime of harassment in the first degree as defined by section 240.25 of this article within the preceding ten years.

Aggravated harassment in the second degree is a class A misdemeanor .S 240.31
Aggravated harassment in the first degree.

A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct, he or she:

1. Damages premises primarily used for religious purposes, or acquired pursuant to section six of the religious corporation law and maintained for purposes of religious instruction, and the damage to the premises exceeds fifty dollars; or
2. Commits the crime of aggravated harassment in the second degree in the manner proscribed by the provisions of subdivision three of section 240.30 of this article and has been previously convicted of the crime of aggravated harassment in the second degree for the commission of conduct proscribed by the provisions of subdivision three of section 240.30 or he has been previously convicted of the crime of aggravated harassment in the first degree within the preceding ten years.

Relief Sought- Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

34) Stated Claims – Threats & Intimidation Against Plaintiff Amrhein

Material Facts - Applies to Defendant Bollinger, Law Firm, Defendant Schroeder, their Attorneys & by Court Orders to deny Plaintiff safety, healthcare & lawsuit;

Legal Theories Intimidation means to make fearful or to put into fear. Generally, proof of actual fear is not required in order to establish intimidation. It may be inferred from conduct, words, or circumstances reasonably calculated to produce fear.

Intimidation of witnesses or victims happens when a person, with the intent to or with the knowledge that his/her conduct will obstruct, impede, impair, prevent or interfere with the administration of criminal justice, intimidates or attempts to intimidate any witness or victim to:

- (1) Refrain from informing or reporting to any law enforcement officer, prosecuting official or judge concerning any information, document or thing relating to the commission of a crime.
- (2) Give any false or misleading information or testimony relating to the commission of any crime to any law enforcement officer, prosecuting official or judge.
- (3) Withhold any testimony, information, document or thing relating to the commission of a crime from any law enforcement officer, prosecuting official or judge.
- (4) Give any false or misleading information or testimony or refrain from giving any testimony, information, document or thing, relating to the commission of a crime, to an attorney representing a criminal defendant.
- (5) Elude, evade or ignore any request to appear or legal process summoning him to appear to testify or supply evidence.
- (6) Absent himself from any proceeding or investigation to which he has been legally summoned.

Threats of harm generally involves a perception of injury. Harm is physical or mental damage, an act or instance of injury, or a material and tangible detriment or loss to a person. The precise definition varies according to the context in which it is used. For example, in child welfare law, one definition is as follows:

"Threat of harm is defined as, "all actions, statements, written or non-verbal messages conveying threats of physical or mental injury which are serious enough to unsettle the child's mind. It includes: expressions of intent to inflict pain, injury, or punishment;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

35) Stated Claims - Undue Influence & or Duress

Material Facts -- Defendants influenced Plaintiff directly & indirectly to act without

knowledge of the facts in the JP Court, Mr. Schroeder did that & was protected by

Plaintiff's attorneys, these Defendants Attorney & the Court is doing it now to get me to

drop this lawsuit, knowing it is not fair, right or just, which is refused now & later;

Legal Theories - Undue influence is a term often used in will contests to refer to outside pressures which negate the free will of the testator (will maker), so that the maker of the will lacks the necessary mental capacity for a valid will. Undue influence may take the form of isolating the weaker person, promoting dependency, or inducing fear and distrust of others, among other manipulations. Undue influence, like mental capacity, raises the question of whether an individual is acting freely. Duress is usually claimed as a factor in the conclusion that undue influence existed. However, duress is a causative factor, whereas undue influence is a determination that the person lacked the required mental state to legally make a decision due to duress or other factors, and based upon the following elements:

The will contestant must prove:

1. the existence and exertion of an influence;
2. the effective operation of such influence so as to subvert or overpower the mind of the testator at the time of the execution of the testament; and the execution of a testament which the testator thereof would not have executed but for such influence.

Typically, courts that make determinations of whether or not undue influence has been exercised. In doing so, they consider a variety of factors, including whether the transaction took place at an appropriate time and in an appropriate setting and whether the older person was pressured into acting quickly or discouraged from seeking advice from others. Courts also consider the relationship between the parties, and the "fairness" of the transaction;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

36) Stated Claims - Age & Disability Discrimination

Material Facts – Plaintiff has been denied healthcare as a disabled person to affect this lawsuit & 2 formal complaints were filed in Washington, D.C. & Collin County, Texas with no immunities & no alternative as causing personal injuries to Plaintiff Amrhein & 3 hospitalizations with medications & serious pain & suffering that if not stopped will go public with the story against all participants as stay affect is January 16, 2018 & makes all Orders null & void as a matter of law, so stop all contacts of harassments immediately due to disability & senior age;

Legal Theories Discrimination refers to the treatment or consideration of, or making a distinction in favor of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit. Discrimination can be the effect of some law or established practice that confers privileges on a certain class or denies privileges to a certain class because of race, age, sex, nationality, religion, or handicap. Federal law, including Title VII of the Civil Rights Act, prohibits employment discrimination based on any one of those characteristics. Other federal statutes, supplemented by court decisions, prohibit discrimination in voting rights, housing, credit extension, public education, and access to public facilities. State laws also provide further protection against discrimination. The term discrimination is also used to refer to the effect of state laws that favor local interests over out-of-state interests. However such a discriminatory state law may still be upheld if it is narrowly tailored to achieve an

important state interest. There is no Texas or officials' immunities for violations;
Americans With Disabilities Act ADA is federal law, with no immunities & must be
upheld or violators will be held responsible as in this lawsuit & County Court No 5;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble
Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

37) Stated Claims - Bias Against Plaintiff

Material Facts -Plaintiff has been denied healthcare as a disabled person to affect
this lawsuit & 2 formal complaints were filed in Washington, D.C. & Collin County,
Texas with no immunities & no alternative as causing personal injuries to Plaintiff
Amrhein & 3 hospitalizations with medications & serious pain & suffering that if
not stopped will go public with the story against all participants as stay affect is
January 16, 2018 & makes all Orders null & void as a matter of law, so stop all
contacts of harassments immediately due to disability, senior age & woman;

Legal Theories Bias is an unfair act or policy stemming from prejudice. Bias against
certain traits, such as race, religion, sex, and handicaps, is prohibited in certain areas,
such as employment and public services. In deciding legal disputes, a judge is duty bound
to render an unbiased opinion, based upon a fair and impartial application of the law to
the facts of the case.

For some state law enforcement purposes, a bias incident is a crime defined as any
suspected or confirmed offense or unlawful act which occurs to a person, private
property, or public property on the basis of race, color, religion, gender, handicap, sexual
orientation or ethnicity.

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Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

38) Stated Claims – Prejudice Against Plaintiff

Material Facts – As in this lawsuit Plaintiff has been the subject of prejudice as woman, pro se, threat to legal community for exposure of wrongdoing, etc. & to protect their own offenders & violations of laws as required by election, oath of office & position of authority as in this lawsuit;

Legal Theories - Prejudice means "pre-judging" something. In general, it implies coming to a judgement on the subject based on false beliefs or before knowing where the preponderance of the evidence actually lies. Prejudice may involve discriminatory attitudes of individuals toward people or things or impairment to the rights of a party in a legal dispute.

The phrase "without prejudice" means that a claim, lawsuit, or proceeding has been brought to a temporary end but that no legal rights or privileges have been determined, waived, or lost by the result. For example, if a party brings a lawsuit in small claims court but discovers that the claim is over the amount for that court to have jurisdiction, the lawsuit can be dismissed "without prejudice". This means that the dismissal is no bar to bringing a new lawsuit in a court that does have jurisdiction.

By contrast with prejudice means that a party's legal rights have in fact been determined and lost. To continue the same example, if instead the court had jurisdiction, but the plaintiff did not appear for the trial, the court would dismiss the case "with prejudice". That dismissal is a judgment against the plaintiff "on the merits" of the case, and extinguishes the claim that was being sued over. However, this does not prevent an appeal or a trial de novo if ordered by a higher court.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

39) Stated Claim - Retaliation Against Plaintiff by Defendants, Attorneys

Material Facts - As in this lawsuit Plaintiff has been the subject of prejudice &

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

38) Stated Claims – Prejudice Against Plaintiff

Material Facts – As in this lawsuit Plaintiff has been the subject of prejudice as woman, pro se, threat to legal community for exposure of wrongdoing, etc. & to protect their own offenders & violations of laws as required by election, oath of office & position of authority as in this lawsuit;

Legal Theories - Prejudice means "pre-judging" something. In general, it implies coming to a judgement on the subject based on false beliefs or before knowing where the preponderance of the evidence actually lies. Prejudice may involve discriminatory attitudes of individuals toward people or things or impairment to the rights of a party in a legal dispute.

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Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

39) Stated Claim - Retaliation Against Plaintiff by Defendants, Attorneys

Material Facts - As in this lawsuit Plaintiff has been the subject of prejudice &

retaliation as woman, pro se, threat to legal community for exposure of wrongdoing, etc. & to protect their own offenders' secrets & violations of laws as required by election, oath of office & position of authority as in this lawsuit;

Legal Theories Retaliation generally is the act of seeking revenge upon another. Various federal and state laws, which vary by state, protect certain persons who seek to assert their legal rights from retaliation. For example, there is protection for whistleblowers under federal acts and related statutes that shield employees from retaliation for reporting illegal acts of employers. An employer is prohibited from any type of retaliation, as, discharging, demoting, suspending or harassing whistle blower.

Typically, to be entitled to whistle blower protection, an employee must report an employer's alleged illegal act to the proper authority, such as a government or law-enforcement agency, rather than merely reporting within the company. However, the employee might be protected from retaliation by public policy or other laws. For example, Title VII of the Civil Rights Act protects an employee against retaliation for reporting sexual harassment to the human resources department.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

40) Stated Claims – Torts Against Plaintiff by Defendants & Their Attorneys

Material Facts – Torts by Defendants, Wormington Law Firm, Court Judge & their Attorneys, while Plaintiff's harms & injuries are ignored & or dismissed;

Legal Theories - Torts are civil wrongs, as opposed to criminal offenses, for which there is a legal remedy for harm caused. Tort law is law created through judges (common law) and by legislatures (statutory law). The primary aim of tort law is to provide relief for the damages incurred and deter others from committing the same harms. A successful plaintiff may recover loss of earnings capacity, pain and suffering, reasonable medical expenses,

present and future expected losses, and other monetary relief for foreseeable harm suffered by the wrongful act as in the basis of this lawsuit;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

41) Stated Claims - Intentional Torts Against Plaintiff by Defendants, et al

Material Facts- Torts by Defendants, Wormington Law Firm, Court Judge & their Attorneys, while Plaintiff's harms & injuries are ignored & or dismissed;

Legal Theories Torts are acts committed by one or more individuals or entities ("tortfeasors") that result in harm to another individual or entity. The harm is often physical injury, but it can also include reputational harm or property damages. Most torts are caused by negligence or carelessness, but some are intentional.

Assault, slander, defamation, misrepresentation fraud are intentional torts & crimes;

Relief Sought- Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

42) Stated Claims - Deceptive Trade Practices

Material Facts - False advertisement, false mission statement, false claims made as competent with expertise, Wormington Law Firm & their Defendant Attorneys did not have as claimed. As consumer of legal services Plaintiff was injured by Defendants causing damages & losses & failed to disclose information, potential harm of risk for qualities their representation did not have. Avoidance of a bill to bill undisclosed information fraudulent advice cost Plaintiff loss & damages;

prevent DTPA does not apply around Texas Laws to abuse Plaintiff as consumer. Had Plaintiff had known of Wormington Law Firm services I would not have hired them as fraudulent, corrupt & Deceptive Trade Practices Act

The Texas Deceptive Trade Practices Act regulates most business activities in Texas, including the conduct of attorneys. For a client to prevail on a DTPA claim, the client must prove (1) that he was a "consumer" as defined in the DTPA and (2) that the attorney took some action that violated the statute and caused the client damage.

To prove that he was a "consumer," the client must prove that he sought or acquired the attorney's services through a purchase. Obviously, any person or company directly hiring an attorney or firm qualifies as a consumer. However, even if a person or company does not purchase the services, they may still be consumers if they receive legal advice that was paid for by someone else. For example, Texas courts have held that a partner may be a consumer of legal services purchased by a partnership, an employee may be a consumer of legal services purchased by an employer, and a wife may be a consumer of legal services purchased by her husband. On the other hand, Texas courts have also been clear that the beneficiaries under a will are not consumers under the DTPA.

To be a consumer, the client (or someone) must purchase the services of the attorney. As a result, while a client may pursue a negligence claim against an attorney that gives him wrong free advice, the same client could not pursue a DTPA claim.

Once the client proves he is a consumer, he must also prove that he was harmed by an attorney's violation of the DTPA. The DTPA provides a list of over twenty types of conduct that are forbidden. The items most applicable to claims against attorneys are the prohibitions against (1) making statements that the attorney's services may have benefits that they do not have; (2) making statements that the attorney's services are of a particular quality or standard when they are not; (3) representing that an agreement has rights, remedies, or obligations when it does not; (4) failing to disclose information concerning the services which was known at the time of the services if the failure was intended to induce the client into entering a transaction he would not have entered had the information been disclosed; and (5) engaging in any action that is unconscionable.

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Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

43) Stated Claims – Conspiracy & Cover Up To Defraud Plaintiff of Rights

Material Facts – Defendants disregard for Plaintiff's lawsuit that was filed incorrectly had no affect on them, but a huge affect on Plaintiff & her life by a con man protected, who decided for kicks he would steal, damage & harm Plaintiff;

Legal Theory - *Intention* and you were Deceived and it is evident that there was *Conspiracy* and what seemed like a series of bad hearings is actually scripted.

Relief Sought Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

44) Stated Claims - Libel or Slander & Defamation

Material Facts – This is why the false documents filed by Defendants' Attorney on February 9, 2018 will be subject to slander suit & their names are being turned over to Washington D.C. for interference of Federal Bureau & governmental

Investigations by Authorities causing offenders liabilities;

Legal Theories - Defamation is an act of communication that causes someone to be shamed, ridiculed, held in contempt, lowered in the estimation of the community, or to lose employment status or earnings or otherwise suffer a damaged reputation. Such defamation is couched in 'defamatory language'. Libel and slander are subcategories of defamation.

Defamation is primarily covered under state law, but is subject to First Amendment guarantees of free speech. The scope of constitutional protection extends to statements of opinion on matters of public concern that do not contain or imply a provable factual assertion Under New Jersey law, defamation is defined as “(1) a defamatory statement of fact; (2) concerning the plaintiff; (3) which was false; (4) which was communicated to a person or persons other than the plaintiff; (5) with actual knowledge that the statement was false or with reckless disregard of the statement's truth or falsity or with negligence in failing to ascertain the truth or falsity; and (6) which caused damage.” Huertas v. United States Dep't of Educ., 2009 U.S. Dist. LEXIS 89903, 17-20 (D.N.J. Sept. 28, 2009) Libel is published material meeting three conditions:

1. the material is defamatory either on its face or indirectly;
2. the defamatory statement is about someone who is identifiable to one or more persons; and,
3. the material must be distributed to someone other than the offended party; i.e. published, as distinguished from slander.
4. Just because it is published does not make it true, so offenders are still liable;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

45) Stated Claims - Intentional infliction of Emotional Distress

Material Facts – From June 1, 2014 to present day Defendants have cause Plaintiff the infliction of emotional distress as it continues against this disabled Plaintiff Amrhein;

Legal Theories - Intentional infliction of emotional distress or mental distress is a tort claim for intentional conduct that results in mental reaction such as anguish, grief, or fright to another person's actions that entails recoverable damages. Some jurisdictions refer to IIED as the tort of outrage. Seeing a child die in an automobile accident from a distance or receiving a letter from someone falsely claiming that a close family member had died are all examples of intentional infliction of emotional distress.

The elements of a prima facie case for the tort of intentional infliction of emotional distress are:

- Outrageous conduct by the defendant;
 - The defendant's intention of causing or reckless disregard of the probability of causing emotional distress;
 - The plaintiff's suffering severe or extreme emotional distress; and
 - Actual and proximate causation of the emotional distress by the defendant's outrageous conduct. (Alcorn v. Anbro Engineering, Inc (1970) 2 Cal.3d 493, 497-498.
- Emotional distress means mental distress, mental suffering or mental anguish. It includes all highly unpleasant mental reactions, such as fright, nervousness, grief, anxiety, worry, mortification, shock, humiliation and indignity, as well as physical pain. Severe emotional distress is emotional distress of such substantial quantity or enduring quality that no reasonable person in a civilized society should be expected to endure it. In determining the severity of emotional distress consideration is given to its intensity and duration also.

One of the major hurdles in a intentional infliction of emotional distress lawsuit is proving that the defendant's conduct was extreme or outrageous. Generally, it should be so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, & to be regarded as atrocious, & utterly intolerable in a civilized community.

The defendant's conduct must be more than malicious and intentional; and liability does not extend to mere insults, indignities, threats, annoyances, or petty oppressions. Viehweg v. Vic Tanny Intern. of Missouri, Inc., 732 S.W.2d 212, 213 (Mo.App.1987).

Following is an example of a case law defining intentional infliction of emotional distress:

The term "intentional infliction of emotional distress" can be defined as:

conduct. . . truly extreme and outrageous. Second, the actor must either intend that his conduct inflict severe emotional distress, or know that there is at least a high probability that his conduct will cause severe emotional distress. Third, conduct must in fact cause severe emotional distress. . . Doe v. White, 627 F. Supp. 2d 905, 912 (C.D. Ill. 2009);

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages as justly entitled by laws;

46) Stated Claims - Unjust Enrichment Against Plaintiff

Material Facts –Defendants’ was Plaintiff as back up work, with no work, insurance policy if needed, bribery, potential attorneys fees & now invalid Attorneys fees for violations of Texas & Federal Laws against disabled senior citizen Plaintiff;

Legal Theories - Unjust enrichment means when a person unfairly gets a benefit by chance, mistake or another's misfortune for which the one enriched has not paid or worked and morally and ethically should not keep. A person who has been unjustly enriched at the expense of another must legally return the unfairly kept money or benefits. Unjust enrichment is an equitable doctrine applied in the absence of a contract and used to prevent one person from being unjustly enriched at another's expense.

Five elements must be established to prove unjust enrichment:

- 1.An enrichment;
- 2.An impoverishment;
- 3.A connection between the enrichment and the impoverishment;
- 4.Absence of a justification for the enrichment and impoverishment; and
- 5.An absence of a remedy provided by law.
6. Unjust enrichment comes in many forms, favors, bribes, eliminations, etc.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

47) Stated Claims - Violation of Civil Rights : This category covers any

allegations made against the attorney for violation of any civil rights protected by law. This error code would most commonly arise in a third-party action against the lawyer, and would not be used when a lawyer is retained to represent a client with respect to a violation of the client's civil rights and makes some other errors during the representation.

Material Facts – Plaintiff's civil rights have been violated by Defendants, their Attorneys & the Court Judge with demands against disabled Plaintiff Amrhein;

Legal Theories - Civil rights encompass the basic human rights that all Americans are guaranteed by the U.S. Constitution. Federal and state constitutional law, statutes, administrative regulations, and judicial interpretation have defined and expanded these civil rights over time.

Many civil rights, such as the right to be free from unreasonable search and seizure, are granted explicitly by the U.S. Constitution. Other civil rights have been created by statutes enacted by Congress or state legislatures, such as the right to be free from discrimination based on race, or the right to receive equal pay for equal work. Federal statutes in the area of civil rights law include the Civil Rights Act, the Age Discrimination in Employment Act, and the Equal Pay Act, among others. Other federal laws, supplemented by court decisions, prohibit discrimination in voting rights, housing, public education, and access to public facilities.

The U.S. Supreme Court, along with its state counterparts, has played a critical role in helping to define civil rights law. The High Court has repeatedly ruled that civil rights imply a right to privacy, even though the U.S. Constitution does not explicitly grant this right.

The many sources of civil rights and the fact that courts often modify or clarify these rights make civil rights law one of the most complex areas of practice, and many civil rights lawyers spend years gaining experience to become effective advocates for your rights.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

48) Stated Claims - Suit in Law & Equity

Material Facts – Defendants engaged in a scam just like JP Defendant Schroeder

& Plaintiff will not be silenced to all these illegal acts against Plaintiff;

Legal Theories a lawsuit that will be determined according to the judgement of the court as to what is fair and equitable. A suit in equity is a legal action where the plaintiff seeks an equitable remedy. A remedy is whatever the party to a lawsuit is asking for. Remedies fall into two general categories: legal and equitable. Historically, there were courts of law and courts of equity, and each handled different types of lawsuits. This is generally no longer the case in the U.S.; however, whether courts consider a remedy legal or equitable still depends on its historical classification.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

49) Stated Claims - Violations of Americans With Disabilities Act / ADA

Material Facts Defendants, Attorneys & Court Judge knows Plaintiff is disabled in need of serious medical care with 2 back operations & infectious disease, which has all been denied to her against Federal & Texas Laws as of January 16, 2018 with threats as reported to federal authorities against Plaintiff with all participants names;

Legal Theories - The Americans with Disabilities Act (ADA) is a revolutionary piece of legislation designed to protect the civil rights of people who have physical and mental disabilities, in a manner similar to that in which previous civil rights laws have protected people of various races, religions, and ethnic backgrounds. The ADA mandates changes in the way that both private businesses and the government conduct business to ensure that all Americans have full access to and can fully participate in every aspect of society. The ADA requires the removal of barriers that deny individuals with disabilities equal opportunity and access to jobs, public accommodations, government services, public transportation, and telecommunications. The law applies to small companies as well as to large ones, so small business owners must be aware of its provisions and how they affect their companies' employment practices, facilities, and products. The Equal Employment Opportunity Commission (EEOC) is the federal agency charged with enforcing the various aspects of the ADA.

It is estimated that 50 million Americans, or one out of every five, have a disability. As defined in the ADA, the term "disability" applies to three categories of individuals: 1) people who have a physical or mental impairment that substantially limits one or more major life activities; 2) people who have a record of an impairment which substantially limits major life activities; and 3) people who may be regarded by others as having such an impairment. For an employee or job applicant to be protected by the ADA, an individual must be "disabled" in one or more of the above manners, be "otherwise qualified" for the position, and be able to perform the essential functions of the job, "with or without accommodation."

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

50) Stated Claims - Violations of Rehabilitation Act Against Plaintiff

Material Facts – Defendants, Attorneys & Court Judge knows Plaintiff is disabled in need of serious medical care with 2 back operations & infectious disease, which has all been denied to her against Federal & Texas Laws as of January 16, 2018 with threats of harm & damages as reported to federal authorities;

Legal Theories Section 504 of the **Rehabilitation Act of 1973**, Pub. L. No. 93-112, 87 Stat. 394 (Sept. 26, 1973), codified at 29 U.S.C. § 701 et seq., is American legislation that guarantees certain rights to people with disabilities. It was one of the first U.S. federal civil rights laws offering protection for people with disabilities.^[1] It set precedents for subsequent legislation for people with disabilities, including the Virginians with Disabilities Act in 1985 and the Americans with Disabilities Act in 1990.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

51) Stated Claims- Improper Withdrawal a question of representation arises. It covers instances where the claimant asserts that a lawyer-client relationship has been established, even if the attorney denies it. It also covers a withdrawal from

representation improperly communicated by the attorney.

Material Facts – Attorney Bollinger & Defendants did not act like qualified

Attorney with skill & care & withdrew right before the JP Trial in wrong Court,

wrong stated claims & wrong jurisdiction as the fix was in as con bribed &

Plaintiff did not consent as could get no attorney on weeks short notice;

Legal Theories State rules of procedure, which vary by state, govern the withdrawal of a motion, plea, or representation of a party. Usually, a withdrawal of an attorney is made in conjunction with a motion to substitute another attorney as the attorney of record in the case.

The following is an example of a state rule governing withdrawal of attorneys: 1:11-2. Withdrawal or Substitution

(a) Generally. Except as otherwise provided by R. 5:3-5(d) (withdrawal in a civil family action),

1. prior to the entry of a plea in a criminal action or prior to the earlier of the pretrial conference or the fixing of a trial date in a civil action, an attorney may withdraw upon the client's consent provided a substitution of attorney is filed naming the substituted attorney or indicating that the client will appear pro se. If the client will appear pro se, the withdrawing attorney shall file a substitution. An attorney retained by a client who had appeared pro se shall file a substitution, and
2. after the entry of a plea in a criminal action or the earlier of the pretrial conference or fixing of a trial date in a civil action, an attorney may withdraw without leave of court only upon the filing of the client's written consent, a substitution of attorney executed by both the withdrawing attorney and the substituted attorney, a written waiver by all other parties of notice and the right to be heard, and a certification by both the withdrawing attorney and the substituted attorney that the withdrawal and substitution will not cause or result in delay.

(b) Professional Associations. If a partnership or attorney assumes the status of a professional corporation, or limited liability entity, pursuant to Rules 1:21-1A, 1:21-1B or 1:21-1C, respectively, or if a professional corporation or a limited liability entity for the practice of law dissolves and reverts to an unincorporated status, it shall not be necessary for the firm to file substitutions of attorney in its pending matters provided that the firm name, except for the addition or deletion of the entity designation, is not changed as a result of the change in status.

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

52) Stated Claims -Obstruction of Justice by Officers of the Court

Material Facts- Plaintiff has been forced to deal with the Obstruction of Justice for 20 years as moral standard decline & lying becomes a way of life to save themselves;

Legal Theory Obstruction of justice is defined in the omnibus clause of 18 U.S.C. § 1503, which provides that "whoever . . . corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be (guilty of an offense)." Persons are charged under this statute based on allegations that a defendant intended to interfere with an official proceeding, by doing things such as destroying evidence, or interfering with the duties of jurors or court officers.

A person obstructs justice when they have a specific intent to obstruct or interfere with a judicial proceeding. For a person to be convicted of obstructing justice, they must not only have the specific intent to obstruct the proceeding, but the person must know (1) that a proceeding was actually pending at the time; and (2) there must be a nexus between the defendant's endeavor to obstruct justice and the proceeding, and the defendant must have knowledge of this nexus.

§ 1503 applies only to federal judicial proceedings. Under § 1505, however, a defendant can be convicted of obstruction of justice by obstructing a pending proceeding before Congress or a federal agency. A pending proceeding could include an informal investigation by an executive agency. THE LEGAL PROCESS

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

53) Stated Claims - Fraud Upon the Court:

Material Facts- This is getting to be the norm with officers, who try to cover up truth as winning at all costs with denied evidence, threats, dirty tricks & favors;

Legal Theories Fraud Upon the Court is related to officers of the court that directly commit fraud in their direct pleadings to the court. Fraud on the court occurs when the judicial machinery itself has been tainted, such as when an attorney, who is an officer of

the court, is involved in the perpetration of a fraud or makes material misrepresentations to the court. Fraud upon the court makes void the orders and judgments of that court.

In *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted."

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

54) Stated Claims Rules of Professional Conduct - Attorneys & Ethic Standards

Material Facts- Judge Wilson wants this deleted, but basis for licensed attorneys that violates laws & basis in legal Malpractice to manipulate this court record that shows the seriousness of Defendants illegal acts breaching their own conduct

Legal Theories The Code of Ethics maintains that you must:

- Place integrity of profession and the interests of clients above your own interests;
- Act with integrity, competence, and respect;
- Maintain and develop your professional competence;

The Standards of Professional Conduct cover:

- Professionalism and integrity of the capital markets;
- Duties to clients and employers;
- Investment analysis and recommendations;
- Conflicts of interest and your responsibilities;

Relief Sought - Punitive Damages, Special Damages, General Damages, Treble Damages, Actual Damages, Pain & Suffering Damages justly entitled by laws;

CASES TO BE PROVEN IN LEGAL FOR MALPRACTICE DAMAGES

DAVID SCHROEDER LAWSUIT

- 1) **On the David Schroeder Lawsuit** known as Case No. 01-SC-16-00165, that Defendants failed to represent Plaintiff Amrhein, filed in the wrong Court, in the wrong jurisdiction, for the wrong amount, refused to communicate for months, refused to correct errors, refused to turn over complete client file, refused to mediate, refused to file for jury trial, refused to add assault charges, "conflict of interest," threats made to Plaintiff Amrhein, that too is a lawsuit within a lawsuit that would have been won, if not for the damages, harms & injuries caused by the Wormington Law Firm & all Defendants within, causing this lawsuit;
- a) **Plaintiff Amrhein will provide exhibits** of Mr. Schroeder's mugshot, police & arrest certified court records, jail time, bank receipts, no rent paid, damages to Plaintiff Amrhein's property, theft of personal property, police records as filed, assault charges filed, all bills for damages & itemized thefts;
- b) **McKinney Police** Detective & District Attorney's sworn testimony of assault investigation;
- c) **Subpoena testimony** of Judge Paul Raleeh in Collin County Justice Court as to court filing, pre trial hearing, evidence examined & all Orders for Darlene Amrhein v. David Schroeder with all Court recommendations;
- d) **Subpoena testimony** of David Schroeder's Attorney & court actions in case 002-2663-2017 as filed;
- e) **Subpoena testimony** of Collin County Judge Barnett Walker & court actions in case 002-2663-2017, evidence examined & his Court Order;
- f) **Certified therapy records** after assault & damages done to Plaintiff Amrhein;
- g) **Plaintiff Amrhein's sworn testimony** from June 1, 2014 to present date with description of activities & abuses at home from Sept. 2014 to March 10, 2015 & aftermath with harassments, threats, phone calls & use of fraudulent name;
- h) **All conversations as logged** between David Schroeder & Darlene Amrhein;

- i) **David Schroeder negligent misrepresentations** made to Plaintiff Amrhein to induces, defraud, set up & attempt to take Plaintiff Amrhein's property;
- j) **Exhibits of all evidence** in the Amrhein v. Schroeder lawsuits;
- k) **Certified by Dallas marriages**, letters & Dallas divorce of third wife;
- l) **Medical conditions of David Schroeder** & all medications with behaviors;
- m) **Sworn Testimony by Darlene Amrhein** of all professionals contacted;
- n) Subpoena of ex-wives, family & friends for sworn testimony about Schroeder;
- o) All jobs held by David Schroeder from June 1, 2014 to the present & salaries;
- p) All of above a to p will prove the David Schroeder lawsuits as not properly represented by Wormington Law Firm & all their Defendant Attorneys, causing damages, harms & injuries to Plaintiff Amrhein as the basis of this lawsuit;

ANTHONY J. BALISTRERI'S STATUTE OF LIMITATIONS LAWSUIT

- 2) **Anthony J. Balistreri** as deceased is represented as follows in this lawsuit:
 - a) **Attorney Stuart Kalb** with 35 years of experience & as an expert witness with direct knowledge of Plaintiff Balistreri, his estate & all estate planned records;
 - b) **Attorney Laurie Peck** as experienced Attorney, witness & notary with direct knowledge & estate planning of Plaintiff Anthony J. Balistreri's estate records;
 - c) **Anthony J. Balistreri will represent himself** & testify by an almost 1 hour auto & visual CD in his estate planning preparation, wishes & statements before Attorney Stuart Kalb, Attorney Laurie Peck and two separate witnesses as present with direct knowledge & as signed in these documents & as witnessed in this CD;
 - d) **Financial Advisor Richard Dean** as witness & with direct knowledge of Anthony Balistreri, years of personal interaction & as financial consultant expert;
 - e) **Darlene C. Amrhein** as the 10 year plus caregiver to Anthony J. Balistreri 24/7 & as Court appointed Guardian to him from 2006 until his death Sept. 24, 2013;

- f) Collin County Probate Judge Weldon Copeland** as witness to testify to Probate Court annual reports during 2006 to 2013 guardianship with Anthony J. Balistreri & Darlene C. Amrhein until September 24, 2013 death;
- g) Exhibits** of all trust documents as prepared by professionals, all guardianship documents, all medical records, all audio tapes of his doctors' & all conditions of nursing home with various witnesses that observed Anthony Balistreri from July 26, 2013 until October 3, 2013 while alive & after his death to burial to prove this lawsuit within a lawsuit to demonstrate this case & losses that would have been won if not for the harms & injuries by Attorney Bollinger, Wormington Law Firm & all 4 Defendants within Wormington Law Firm as served in process;
- h) Anthony J. Balistreri's primary care physicians**, heart specialist, surgeons will be called to testify to their direct knowledge & conditions of him while alive;
- i) Subpoena of the Nursing Home Management & Staff** as to Anthony J. Balistreri & their direct knowledge of him before his death on September 24, 2013, all medications, neglect, injuries, harms, beatings, starvation, loss of about 46 pounds in 6 weeks, drugging, bodily harm, condition when released to emergency room of Presbyterian Hospital Dallas & then transferred to intensive care;
- j) Presbyterian Hospital Dallas Management**, 3Physicians, ER hospital staff, & intensive care nursing staff will be witnesses in this lawsuit on death of Anthony J. Balistreri, along with custodian of all of his medical records;
- k) Close friend Karen Brandt** with direct knowledge & inter action with Anthony J. Balistreri before & after his death on Oct. 3, 2013;
- l) Witness by subpoena** who witnessed Anthony J. Balistreri drugged & restrained, starved & tied in a wheel chair, while in the nursing home with records;
- m) Dallas Police Reports** filed by Anthony J. Balistreri & Darlene Amrhein from July 26, 2013 to October 15, 2013 for abuse & death of Anthony J. Balistreri;

- n) **Officials of Government** complaints on behalf of Anthony J. Balistreri abuses in nursing home done by Darlene C. Amrhein as care giver;
 - o) **Adult Protective Services** for abuses of Anthony Balistreri July 2013 to death;
 - p) **Subpoena of Hospital staff** from July 26, 2013 to September 15, 2013;
 - q) **Subpoena of all Medicare & United Healthcare** reporting of abuses of Anthony J. Balistreri to insurance representatives;
 - r) **Subpoena of Reports of Medicare Frauds** by two Nursing Home physicians as related to Anthony J. Balistreri contributing to his death;
 - s) **3 Other local nursing homes** that interviewed Plaintiff Amrhein on abuses of Anthony J. Balistreri to try to transfer him from their abuses
 - t) **Conformation of throwing out Anthony J. Balistreri food** as sent by Darlene Amrhein, theft of his personal belonging & other abuses from July 26, 2013 to September 24, 2013;
 - u) **Colored CD Video & Audio** of Anthony J. Balistreri in his suit speaking to Attorney Laurie Peck & Attorney Stuart Kalb in the presence of 2 other witnesses about his estate planning as he smiles in 2004 looking toward the future in Texas;
 - v) **Colored pictures** of Anthony J. Balistreri's physical injuries, bruises, cuts & beatings from July 26, 2013 to September 24, 2013 in nursing home, Dallas, Texas;
 - w) The difference photos will turn your stomach as he lays dying & hopefully everyone will get to experience this as these Defendants & Attorneys are apart of the problem as you waste your lives protecting corruption by illegal acts of lying for some money for conspiracy & cover up;
 - x) **All therapy records,** medical records, complaint records prepared & certified
- All of these a to w will prove that Anthony J. Balistreri lawsuit would have been

won, if not for the damages, harms, delays of Defendants by ignoring known
“statute of limitations;”

y) LEGAL MALPRACTICE 2 LAWSUITS & ABOVE STATED CLAIMS

All attorneys are required to adhere to their state’s Rules of Professional Conduct, a body of regulations that requires, in broad terms, a thorough understanding of the law and a commitment to communicating it transparently and accurately to clients.

Legal malpractice or negligence can take any of the following forms:

- Failure to keep the client informed about essential case information.
- Failure to account for important deadlines or requirements, such as the statute of limitations for the case.
- Errors that lead to a case being dismissed or lost.
- Conflicts-of-interest, such as representing opposing parties.
- Misuse or theft of client resources.
- Failure to obtain client consent for any legal path or action.
- Errors in drafting agreements or other legal documents.
- Failing to file timely before “statute of limitations expires.

Legal malpractice can have lifelong repercussions for its victims. When you go to a lawyer, you are often already in a vulnerable situation. You rely on the expertise and professional conduct of your attorney to help you navigate the legal system.

LEGAL MALPRACTICE ATTORNEYS AS PLAINTIFF INTERVIEWS:

- 1) Johnston Tobey Baruch – Dallas, TX**
- 2) Mark Ticer – Dallas, TX**
- 3) Ogborn MIHM Denver, Co.**
- 4) Business Trial Group, Florida**
- 5) Law Office of Brian H. Fant, P.C., Dallas, TX**
- 6) Brown & Brothers – Dallas, TX**

- 7) Richerson Law – Duncanville, TX.
- 8) Law Office of Eric G. Olsen, Roundrock, TX
- 9) Nowak & Stauch , Dallas, TX
- 10) Shuford Law Firm , Dallas, TX
- 11) Law Office of James E. Pennington, Dallas, Tx
- 12) Attorney Frank L. Branson – Lawyer referral, but no name given.

COMMON LAW & CASE LAW ON FRAUD & LEGAL MALPRACTICE LAWSUITS & 2 CASES WITHIN A CASE

Common law (also known as judicial precedent or judge-made law, or case law) is that body of law derived from judicial decisions of courts and similar tribunals.^{[1][2][3][4][5]} The defining characteristic of "common law" is that it arises as precedent. In cases where the parties disagree on what the law is, a common law court looks to past precedential decisions of relevant courts, and synthesizes the principles of those past cases as applicable to the current facts. If a similar dispute has been resolved in the past, the court is usually bound to follow the reasoning used in the prior decision (a principle known as stare decisis). If, however, the court finds that the current dispute is fundamentally distinct from all previous cases (called a "matter of first impression"), and legislative statutes are either silent or ambiguous on the question, judges have the authority and duty to resolve the issue (one party or the other has to win, and on disagreements of law, judges make that decision).^[6] The court states an opinion that gives reasons for the decision, and those reasons agglomerate with past decisions as precedent to bind future judges and litigants. Common law, as the body of law made by judges,^{[7][8]} stands in contrast to and on equal footing with statutes which are adopted through the legislative process, and regulations which are promulgated by the executive branch. Stare decisis, the principle that cases should be decided according to consistent principled rules so that similar facts will yield similar results, lies at the heart of all common law systems.

Doe v Doe Law Firm Settlement: \$3 million

Transactional Legal Malpractice relating to the sale of plaintiff's business.

Doe Company v. Doe Law Firm Verdict: \$45.6 million

Legal malpractice, fraud, and breach of fiduciary duty case involving concealment of conflict of interest in real estate transaction. Confidential settlement reached before punitive damage phase.

Doe Individual v. Doe Law Firm Settlement: \$9.6 million

Legal malpractice against attorneys who negligently prepared and tried a special education /brain injury action against a government entity.

Doe City v Doe Law Firm Settlement \$8 million

Legal malpractice action involving the failure to adequately prepare transactional documents on behalf of Government Entity.

Doe Individuals v. Doe Law Firm Settlement: \$3 million

Legal malpractice action involving violation of statute of limitations on an underlying wrongful termination action.

Doe Individual v. Doe Law Firm Settlement: \$2.2 million

Legal malpractice action against attorneys who negligently advised doctor as to his liability and exposure in fraud lawsuit against him and others by shareholders of a corporation.

City of Glendora v. Burke, Williams & Sorensen Settlement: \$935,000

Legal malpractice action involving failure of law firm to advise adequately a governmental entity regarding land use issue.

Botez v. Hertzfeld & Rubin Verdict: \$900,000

Trial involving legal malpractice and conflict of interest over real estate development in Romania.

Fenmore v. Loeb & Loeb Confidential Settlement

Settlement of a legal malpractice claim that stemmed from the handling of a probate and estate matter.

Cedars Sinai Medical Center v Mitchell, Silberberg & Knupp: Confidential Settlement

Legal Malpractice Action regarding the failure to timely file a patent application relating to an improvement to laser eye surgical procedures.

DOES v. DOE LAW FIRM: Confidential Settlement:

DOES hired DOE LAW FIRM to defend them in litigation involving valuable artwork. DOE LAW FIRM committed malpractice while drafting the settlement agreement. DOE LAW FIRM unsuccessfully tried to blame former clients for the malpractice, sue the clients for unpaid legal fees, and avoid liability on statute of limitations grounds.

Doe City v. Roe City Attorney
\$1.5 million

85.

Klein & Wilson represented a City against its former City Attorney for legal malpractice arising out of the City Attorney's failure to identify and resolve a conflict of interest. The conflict of interest sparked negative media attention, a public audit, and a criminal prosecution. Ultimately, the City was forced to reimburse funds spent on a public project. When Klein & Wilson substituted into the case, the former City Attorney refused to offer a penny to resolve the case. After Klein & Wilson evaluated the case and presented the former City Attorney with facts showing it had substantial exposure at trial, Klein & Wilson was successful in resolving the case for **\$1.5 million** without taking a single deposition.

Does v. Roe Law Firm

\$250,000

Klein & Wilson recovered **\$250,000** in a legal malpractice case where the attorneys did a poor job preparing an underlying personal injury and civil rights case. Despite serious issues of causation, Klein & Wilson convinced the law firm's insurance carrier a jury would overlook the causation issues because of the attorneys' misconduct.

Doe v. Roe Law Firm

(Settlement)

Klein & Wilson's client hired a law firm to represent her in a divorce case. The attorney did a poor job preparing her case for trial and relied too heavily upon an expert who did not know what she was doing. When the client complained that the expert's report was filled with mathematical mistakes, the lawyer panicked, made an inappropriate physical contact with the client, and forcefully told the client she had to settle. Klein & Wilson's client decided she could not trust the attorney and was also afraid of him because of his physical aggression. She terminated his services and asked the court for a trial continuance, but the court refused to continue the trial. The trial ended in a predictable disaster. The defense contended the client's wounds were "self-inflicted" and that it was her discharge of the attorney which led to the disastrous trial result. Klein & Wilson was able to achieve a favorable confidential settlement for its client, allowing her to get back on track with her life and not be distracted by further litigation.

Kessler v. Horan

(Plaintiff Verdict)

In this attorney malpractice action, Klein & Wilson represented an investor who purchased real estate in Newport Beach. The attorney who represented Klein & Wilson's client in the transaction botched the transaction so badly, the client's title to the property was unclear, which resulted in several other lawsuits being filed. The attorney denied all liability and the case went to trial. The attorney was represented by one of Orange County's most experienced trial attorneys. Nevertheless, Klein & Wilson prevailed at trial and recovered all the damages it requested.

**Sjostrom v. Pepper Hamilton, LLP
(Settlement)**

Klein & Wilson's client purchased a business and expected to have a covenant not to compete in the sales agreement, which would have prevented the owners of the assets from competing against him. The client discovered that his lawyers did not properly draft the covenant not to compete. The client sued his former counsel, one of the largest law firms in the county. Klein & Wilson worked cooperatively with opposing counsel to resolve this case satisfactorily for all sides, without a large expenditure of legal fees.

**\$1,800,000 MEDICAL MALPRACTICE Legal Malpractice, \$5.2 million &
\$1.5 million settlement in sexual assault case & verdict assault**

\$1 million settlement in sexual assault case

\$640,000.00 legal malpractice settlement

\$1,200,000.00 verdict: nursing home negligence resulting in wrongful death

\$ 725,000.00 settlement for legal malpractice

The underline case for Plaintiff Amrhein Lawsuit against David Schroeder for sexual assault, theft, property damages, unpaid rent, etc, was not without value.

The wrongful death, killing & medical malpractice against Plaintiff Balistreri & known statute of limitations was not without value as his medical files were held by these 5 Defendants in with 2 lawsuits that were "Legal Malpractice" & will be continued with appropriate counsel after the Americans With Disabilities Act / ADA is lifted following recovery & Plaintiff's medical release of 2 back surgeries. Lawsuit for slander, harassment denied ADA will be filed on Cobb, Martinez & Woodland & Collin County Court System, Judge, et al.

IN CONCLUSION AND PRAYER FOR RELIEF

54 Stated Claims, Causes of Action, Material Facts, Legal Theories & Relief Sought in this lawsuit filed timely not according to invalid January 30, 2018 Order. **Other Examples of Plaintiff's legal malpractice include, but are not limited to:**

- Conflicts of interest
- Missing Statute of Limitations
- Errors or omissions resulting in dismissal
- Billing fraud
- Misappropriation of funds
- Breach of attorney-client privilege
- Poorly written documents

87.

- Exerting undue influence adverse to the client's interest
- Abandonment of a client's matter
- Frivolous litigation at the expense of the client
- Lack of due diligence
- Improper legal advice
- Presenting false evidence
- Obstruction of justice
- Dishonesty & Damages
- Malfeasance & also known as professional negligence.
- **Judge Dan Wilson** was invested in the conspiracy with these 5 Defendants at Wormington & Bollinger Law Firm with their Attorneys at Cobb, Martinez, Woodland & Attorney Carrie Johnson Phaneuf to fraudulently dismantle this Legal Malpractice lawsuit with an invalid January 30, 2018 Order after violating federal law, Americans With Disabilities Act / ADA to deny Plaintiff's Motion For Stay with Notice To Defendants, false Motion to Dismiss under TRCP 91a, hold no hearings within 60 days as required, commit "Obstruction of Justice, Fraud Upon the Court," Slander Plaintiff Amrhein with false filed claims, continues more than 22 emails & mail for harassments from January 16, 2018, knowingly deny Plaintiff Balistreri his irrevocable trust protection from denied suit within "statute of limitations" period as his medical records & evidence was knowingly held by Defendants past September 24, 2015, until delivery on Nov. 23, 2015, that was to be a term of examination for only 30 days was false, case file was never reviewed by any medical professionals or anyone as promised & stated. These Defendants are total "Frauds" operating in violation of Texas & Federal Laws with their Texas license, who offered a bribe to Plaintiff Amrhein, as refused & judging by the actions of Judge Wilson it appears may have been bribed to throw this Legal Malpractice Lawsuit, as Motion to Recuse Judge Wilson filed February 8, 2018.

Plaintiff plans to hire a Legal Malpractice Law Firm Lawyers for this lawsuit.

Plaintiff Amrhein will sue for any slander by false documents filed & any Ordered Security or any Attorney Fees on this invalid January 30, 2018 in this Legal Malpractice Lawsuit.

Plaintiff will be scheduled if no complications on March 5, 2018 & prayer our Law Firm Attorneys will be hired at that point.

An ADA formal complaint will be filed with the Collin County Compliance.

Formal complaint was filed with Department of Justice on or about Feb. 7, 2018.

Plaintiff Amrhein prays that all harassment stops immediately due to medical conditions & as disabled protected under federal law Americans With Disability Act / ADA with no more personal injuries by Defendants, their Attorneys & this Court.

Plaintiff will not prepare & file any other court documents, disclosure or anything else as preparing for the first surgery with my spine team & updates will be documented through my new Attorneys & Law Firm as represented timely so everyone is aware of scheduling.

All evidence, pictures, videos will be turned over to Plaintiffs' Attorneys for this lawsuit & all secondary lawsuits affected by all these Defendants in lawsuit.

Judge Dan Wilson is not to take any further actions in this lawsuit in any way.

Plaintiff's new Attorneys & Law Firm will have the right to Amend these pleadings upon notice of appearance in this lawsuit; & Plaintiff will have surgeries;

Defendants Attorney Bollinger & Wormington & Bollinger are fraudulent Attorneys who violate unsuspecting clients with no concern to act in "good faith."

Proof is the emails Attorney Pham provided in her motion that Plaintiff continued to communicate with Attorney Bollinger asking for Amended Pleadings, corrections, jury trial & preparation for trial, while he ignored my emails for months, had picture of some pictures a blackened to not see damages, prepared lawsuit in wrong court, wrong pleadings, wrong address & continued his false until trial with no mediation & while protected Defendant David Schroeder interest, instead of Plaintiff Amrhein as required by duty, care & skill in violation of 68 stated claims & laws in violation of their oath & Texas Licensing as required;

Attorney Bollinger & Wormington & Bollinger Law Firm, along with 2 other named Attorneys are accessories to a crime. When Attorney Bollinger refused & knew of the crime of assault by Defendant Schroeder & the theft of Plaintiff Amrhein's property those are crimes that should have been reported, but were covered up & a conspiracy by corruption to hide the facts that serious laws have been broken.

Defendants Attorneys are now all involved in the cover up of these crimes as they try to remove this case from this Court by filing false court documents & statements to walk free of these crimes, falsely claiming Plaintiff Amrhein can not prevail in this lawsuit falsely, when they can't even research a few lawsuits & follow ADA federal laws to point out secondary lawsuits against all participants.

IV. Darlene Amrhein & Anthony J. Balistreri v. AHI & Aaron Miller

- 1) AHI & Aaron Miller was named Defendant in the Texas Lawsuit filed May 19, 2007 in the 296th District Court of Texas based on the Jerry Riecher, et al lawsuit as the 112 Winsley Circle home inspector prior to closing on May 22, 2007;
- 2) AHI & Aaron Miller conducted a fraudulent home inspection of the property prior to closing for a payment about \$502.00 from my father & Plaintiff Amrhein that was not discovered until after closing with all damages not reported in written final inspection documents, so he was sued along with the rest of the Defendants for damages caused to Plaintiffs;
- 3) On or about 2011 Judge Roach had signed a confusing Order in this lawsuit that was not a final Order to lead Plaintiff's to believe a Notice of Appeal had to be filed timely with the Court of Appeals at Dallas in order to preserve actions against AHI Miller separate as Court error;
- 4) Then Plaintiff was informed that AHI & owner Aaron Miller had filed a Chapter 7 Bankruptcy with no notice to the Dallas & Collin County District Courts, so Plaintiff filed to inform the Courts that they were stayed from any further proceedings in Plaintiff's lawsuit as a matter of law & by Federal Bankruptcy laws;
- 5) Because this lawsuit was stayed & it was filed in error from a wrong court Order by confusion, Plaintiff did not continue the action or respond, so the Court dismissed the Appeal rightfully so as no adverse effect upon Plaintiff as the lower Court lawsuit continued with no complete facts listed as published;
- 6) Defendants Attorneys for Wormington & Bollinger known as Cobb, Martinez & Woodland & Attorney Phaneuf make another attempt to try to discredit Plaintiff Amrhein with another phony count toward their false "vexatious litigant" claim, which was not under the control of the District Court false Order or the filing of Chapter 7 Bankruptcy by Defendants AHI & owner Aaron Miller as full disclosure was necessary to inform all Courts as their assets were frozen & outside of any attachment as a matter of Texas & Federal Bankruptcy Laws;
- 7) It appears that Attorneys Cobb, et al did not bother to do the research on the facts that surrounded each false claim for each lawsuit used in their count as they just pulled Plaintiffs Amrhein & Balistreri's names, lawsuits & now falsely claim as adverse creating a false narrative of "vexatious litigants" claim as pro se, when it was judicial errors & Bankruptcy Chapter 7 that cause no review & dismissal in this lawsuit as nothing would change the facts of this case in relationship to home;

9v.

V. United States Northern & Eastern District Courts, Fifth Circuit Court of Appeals Twice and the United States Supreme Court Same Lawsuit & Actions

La Madeleine, Inc. 4:16-CV-00223

United States District Court of the Northern District of Texas entered a pre-filing injunction against Amrhein & ordered was prohibited from filing a new civil action in United States District Court unless first requesting leave to do so in 2012, but when contacted the Court did not respond in any way as invalid vexatious litigant;

FACTS: The United States District Court of Texas never held one hearing on the lawsuit in question, took no testimony from a material witness as Plaintiffs, violated Collin County Probate Court Orders, never established any federal jurisdiction, violated HIPPA laws & held no required hearing under Chapter 11 of Texas Civil Practice & Remedies Code to make any determination of “vexatious litigant” as required by federal Judge Jorge Solis & Magistrate Toliver, who knew nothing about the lawsuit called frivolous & malicious with fraud & non-disclosure in an ERISA Case, Federal Court Order & damages with 4 operations & life long permanent disability & denied Long Term Disability Insurance Payments Monthly with a valid Insurance Contract Plan.(Not frivolous & not malicious by Texas Laws) Presiding Judge Jorge Solis did nothing except relied on this Magistrate Toliver & accepted it, who violated Texas & Federal laws as ex-employee to Defendants with “conflict of interest,” bias, prejudice & retaliation to declare a false “vexatious litigants” with 2 lawsuits filed at same time within weeks on Riecherts & La Madeleine, Inc. to silence this lawsuit as a favor to some Defendants as friends & co-workers, which is “conflict of interest” bias, prejudice, retaliation, cover up, conspiracy, corruption, Obstruction of Justice & “Fraud Upon the Court;”

Note: Plaintiff received a favorable U.S. Federal Court Order on May 24, 1996

following my injuries & operations for La Madeleine Inc. by Judge Harkey as represented causation testimony & medical records as represented by Attorney Tommy Davis, Dallas, Texas from Kraft & Associates;

2) This federal lawsuit was Appealed to the U.S. Fifth Circuit Court & was denied based on the fact that the three Justices had affiliation with 6 or more Defendants with long history as ex-employees for up to 30 years or more, so "conflict of interest" bias, prejudice & retaliation was the basis of this ruling, as Magistrate Toliver refused to turn over timely court records for briefing references to try to eliminate this Appeal, which is called cover up, conspiracy, corruption, Obstruction of Justice & "Fraud Upon the Court" as Justices never saw any evidence, no filings & references could not be made with a court record as ordered 6 months before briefing, so denied because of refused court record references that was no fault of Appellants. Misconduct complaints were filed & covered up by Chief Judge Carl Stewart, who claimed their business stays within this Court & no one, including the U.S. Supreme Court has any jurisdiction over them as they violated federal & state laws on "conflict of interest," bias, prejudice & retaliation, to cover up, conspiracy, corruption, Obstruction of Justice & "Fraud Upon the Courts;" (Not frivolous & not malicious by Federal & Texas Laws);

3) **Note:** During this time my father (Dad) was being beaten & starved in 6 weeks with a loss of 46 pounds & died from this torture in a Nursing home & what the Courts had done with their false claims & injustices & he made a final death bed statement, "there is no justice in the Courts as they will try to take the house away."

4) Sadly I buried my father in October, 2013. Dad was right, because the next injustice was the false statements & lies by Defendants, Attorney Lenny Bollinger & Wormington Law Firm that is the basis of this lawsuit, for knowingly holding his case file & medical records past the "statute of limitations," to prevent all

litigation, so he would never receive any fairness, "due process" & Justice, for all his suffering, because of incompetence & frauds that also is the basis of this Legal Malpractice as stated in the February pleadings against these Defendants as served;

5) My mission as Plaintiff was to continue the fight for "due process" fairness & Justice that no one in the United States should experience in their life time;

6) This same federal lawsuit then moved to the United States Supreme Court as Writ of Certiorari, but it never was reviewed as two clerks as ex-employees of the lower Courts intercepted these filed documents to stop this writ review, after demanding every document be copied for the Court, which they returned & never used. It was discovered that the lower court judges & justices did not want the Supreme Court to examine their misconduct & all filed complaints in violation of state & federal laws, because it would be reversed, so clerks returned all filings to Plaintiff as Supreme Court did not decide case, but friendly, ex-employee clerks;

7) When all courts, judges & clerks "misconduct" was discovered Plaintiff Amrhein contacted the Department of Justice, who advised a whole new lawsuit in the U.S. Eastern District Court within the "statute of limitations," which Plaintiff / Appellant filed timely with the Complaint / Petition, pre-filled out summons documents for service of process & in forma pauperis as required & granted to have this case heard finally, along with "false vexatious litigant claims" with no hearings & no testimony to have this all reversed to prevent this blacklisting;

8) The United States Northern District Court was contacted for approval on Motion of false vexatious litigant claim about this new Court filing, but Judge Fish never responded as required by his own false Orders & Judge Solis not apart of it.

9) This review in this new lawsuit was also on the false "vexatious litigant" claim in violation of Chapter 11 of Texas Civil Practice & Remedies Code & was probably why Judge Fish would not respond & Judge Solis never issued any like

Order, but just threats to not file after his one Order & not look at any evidence;

10) The United States Eastern District Court had the original Defendants & new Defendants as well because of all participation in the prior Courts on the misconduct, "conflict of interest," bias, prejudice & retaliation, to cover up, conspiracy, corruption, Obstruction of Justice & "Fraud Upon the Courts," which was not a surprise to add all parties under the umbrella of the United States of America as the final responsible party for all federal employees for the years of damages, injuries & wasted time that contributed to my Dad's death as promised;

11) The next misconduct comes in the form of U.S. Eastern District Court of Texas by Judge Amos Mazzant, who just happened to be an ex-employee of the Fifth Circuit Court of Appeals as named Defendant in this case along with about 20 other Defendant affiliations including Defendant Ken Paxton as Defendant of securities fraud as the presiding judge & his very questionable conduct;

12) Judge Mazzant was given his judgeship after committing fraud against the United States Congress with false statements under oath, he was given the judgeship by a deal made with President Obama as a favor to Senator Cornyn, & he held a close relationship with agreeable Magistrate Judge Christina Norwak beholden because her position was because of Judge Mazzant being advanced to his position, so the conflict of interest, bias, prejudice & retaliation became real;

13) Judge Amos Mazzant & Magistrate Christina Nowak refused service of process for all Defendants as their co-workers, associates & friends in violation of all federal & Texas Laws, leaving this case with only Plaintiff Amrhein to be dismissed with prejudice, which was their prejudice as transferred;

14) Plaintiff filed the appropriate documents timely, including Notice of Appeal, Recusal of Fifth Circuit Court of Appeals as named Defendants in this lawsuit for "conflict of interest & same Justices as in the prior Appeal, who refused the Court

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Record, Denied enforcement of Dad's Probate Order for invalid real estate contract & Request to Transfer this Appeal to the 7th Circuit Court of Appeals to prevent more of the same injustices by "conflict of interest," bias, prejudice & retaliation, to cover up, conspiracy, corruption, Obstruction of Justice & "Fraud Upon Courts;"

15) The granted in forma pauperis became un-granted because Judge Amos Mazzant wanted more than \$500.00 to himself in Order to Appeal this case, which he knew Plaintiff did not have, so oops "No Appeal;"

16) Plaintiff's Court filed documents were not in the docket as filed on at least two occasions, so a complaint was filed along with the extortion of money separate from the Fifth Circuit Court with no resolution;

17) Of course the Fifth Circuit Court accepted the Notice of Appeal, but the transfer was denied & the in forma pauperis was granted in their Court, because Plaintiff had no income & no money other than small Social Security to live on;

18) The Fifth Circuit as named Defendants with no service of process by their 4 year ex-employee, Judge Amos Mazzant had full control of this case to keep it in house & away from others to know their own secrets as intended;

19) The Appeal Briefs were filed timely & in order, but exceeded the page limits by about 20 pages & the record excerpts more than 40 pages, on a case filed in Dec. 1996 to 2018, over 22 years of evidence, so Appellant was notified to "redraft new briefs" at same time of getting sick in need of 2 back operations, which made this task impossible, so notice was given to the Court & granted;

20) The Fifth Circuit Court of Appeals granted no redrafting & ADA as Appellant indicated & to date no final decisions have been made on the Appeal from Judge Amos Mazzant Court of no service of process & Defendants hearing their own case, if adverse will be sent to U.S. Supreme Court, Writ of Certiorari for review;

21) The Department of Justice, Attorney General, Congress & Federal Authorities,

including the President are watching the activities & results of this lawsuit with violations of federal & Texas Laws as all details are known per notice to me;

22) Federal Rules of Civil Procedure & Texas Rules of Civil Procedure all have “service of process” to all Defendants to timely know they are being sued & to answer timely, but these federal judges legislated illegally & by “abuse of discretion” to not serve any of their friends, co-workers & associates for favors;

23) The original lawsuit that was not determined in any final Texas Order from 1996 to 2012 & on Sept. 12, 2012 after a Texas Judge took a bribe in the case with no jury & no trial, so it was moved to Federal Court, who established no proper jurisdiction in this case as it moved along to this proper day with still no valid decisions under federal & Texas Laws, after 4 won Appeals in District Court;

24) Of course Defendants Attorneys in this above lawsuit want to blame Darlene Amrhein for all this misconduct, “conflict of interest,” bias, prejudice & retaliation, to cover up, conspiracy, corruption, Obstruction of Justice & “Fraud Upon Courts” not in her control to get their clients off with this false “vexatious litigant claim;”

25) This also why their motion for this Order was withheld until February 12, 2018 to prevent Plaintiff from responding timely to prevent an honest decision by this County Court at Law No. 5 as another one of Defendants Attorneys’ tricks;

26) So with all of the above, without a final determination & with “conflict of interest,” bias, prejudice & retaliation, to cover up, conspiracy, corruption, all Obstruction of Justice & “Fraud Upon Courts,” it does not count as 1 lawsuit to contribute to their false vexatious litigant claim within this Court filing & no service of process does not make this a valid jurisdictional lawsuit by civil rules;

27) The above denied Fortis Insurance payments for injuries & life long disability is not frivolous, meritless or malicious as claimed by these Attorneys for pain, suffering & impairment of my body due to La Madeleine Inc. negligence;

VI. Jerry Riechert & Lori Reichert In Lawsuit As Sued

- 1) The following information about the names of Jerry Riecher & Lori Riechert are the Sellers of the 112 Winsley Circle, Mc Kinney, Texas Lawsuit as first filed May 19, 2008, which goes well beyond the 7 years to qualify to be a "vexatious litigant" claim as it moves to 2011 as named Defendants in this one lawsuit;
- 2) Again Defendant Wormington & Bollinger Attorneys Cobb, Martinez, Woodland & Attorney Phanuef never bothered to look at any facts or research any lawsuits to use in their fraudulent "vexatious litigant" claim counts, which is filing false statements to this Court to mislead, Obstruct Justice & commit "Fraud Upon The Court" as officers of the Court as licensed in Texas to affect Plaintiff Amrhein & distract from this lawsuit, so their clients can walk free unjustly knowing Plaintiff has no money for any security deposit, which is another trick;
- 3) Reichert was named in one lawsuit that became a Federal Lawsuit known as 4:16-CV-00112 that was then Appealed with no Orders to date as advised by the Department of Justice for the same real estate frauds & non-disclosure swindle that included the Defendant the United States of America, et al due to all federal employees, so if this was researched it would have been known by Wormington & Bollinger Attorneys before filing this false "vexatious litigant claimed count;"
- 4) The United States of America did not buy this 112 Winsley Circle, Mc Kinney, Texas house & Riecherts were named in this lawsuit all the way through to present;

VII. Darlene C. Balistreri-Amrhein & Anthony J. Balistreri v. Donald Verrilli, United States Solicitor General, et al , 4:16-cv 112-ALM-CAN

- 1) If the Cobb, Martinez Woodland & Attorney Phanuef had read these Court filings they would have known Donald Verrilli Jr. was not a valid named Defendant to this same Federal Lawsuit that has been counted twice under the same case numbers in Federal Court, which is another error as stated in the court filings on 112 Winsley Circle, McKinney, Texas home swindle;
- 2) Plaintiff received notice from Donald Verrilli that he did not represent the United States of America government in this lawsuit as Defendant & Plaintiff asked the federal court to correct this error early on when filing this lawsuit complaint & petition;
- 3) Another case of wrong information as stated falsely to this Court to increase their false "vexatious litigant" count, to Obstruct Justice, commit "Fraud Upon This Court, as officers of the Court, licensed in Texas, for security to stop lawsuit;

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**VIII. Darlene C. Amrhein v. Prosperity Bank, et al in Texas Court
transferred by Defendants' Bank to Federal Court, U.S. Eastern District
Court as Case No. 4:18-CV-00018- ALM-CAN**

- 1) This Texas Lawsuit in the 199th District Court of Collin County known as Case No. 199-05352-2016 was transferred to the United States Eastern District Court of Texas, by Defendants, because they believed to Federal Labor Laws do not apply to any Texas Employers in Texas Courts, which is error about January 3, 2018;
- 2) At the same Plaintiff Amrhein was hospitalized for the 2 required back surgeries & complications causing all limits to Court activities under ADA & Americans with Disabilities Act as required of all Courts by federal laws & EEOC as government entities, subject to a lawsuit for all violations of discriminations;
- 3) In the Texas Courts this case was moved to various Courts, (417th, 429th, 469th & 199th) for conflict of interest, bias, prejudice, retaliation, fake person used as a judge, family court, errors in assignments & when it got to 199th Defendants wanted this case moved as not all Defendants had not been served by the Court & Defendants Attorney tampered with Court Records & removed 13 pages of Plaintiff Amrhein's filed deposition corrections to avoid corrections by Judge Angela Tucker & 6 months medial stay for 2 back operations;
- 4) The following are all stated claims made in the various Texas Courts that are apart of the federal action unless illegally removed to affect stay & case:

Case of Employment Law & Litigation, including personal injury:

- 5) **Harassment**—Sexual harassment by co-worker, threats of termination by same person, pinning me in my work station, blocking me twice in dim hallways to prevent return to work & intimidation, coworker tried to remove \$400 from my work station when she thought I left & was caught, she refused to work, cussed, swore made dirty vulgar comments, some sexual offense statements, stories, set up by manager to plant money in my drawer, change training rules, refused to

sign altered customer check, refused my wage accountability, refused to pay owed wages, under reported wages to TWC, held w-2 wages for I year to prevent unemployment, owed \$200.00 for off clock working due to their equipment failures, deducted from wages without permission, refused unemployment by \$8.50 knowing they owed me money that was never paid, covered up for young co-worker (21 years old bully with no experience). I am (69 years old with over 20 years banking experience;

6) Hostile Workplace — Sexual harassment, threats, false claims, wrong information to set up, blocking, bullying, refusal to work, attempted theft, pitting one person against another. Secret meetings, then held meetings with all messages changed, excused, ignored, knowing company rules & security violated, my computer was tampered with, my lunch schedule changed without notice, managers did nothing about known complaints as they admitted they witnessed this bully being very disrespectful of me. Threats she would take my job as not supervisor & referred to manager as a bad ass, could not balance her drawer, pictures of what went on at the bank & sick postings, breached security with risk of robbery, co-worker showed up to work or not at all, walked out while on the clock & I was forced to work alone, etc. Managers, Vice President & Corporate Headquarters did nothing about these written complaints, terminated me because I got sick from no insulin injections, refused my Doctor's excuse, terminated my job because I was too sick to work & medicated, refused Police to be called for blocking & unsafe conditions that hostility was promoted by manager & vice president. Ten days before this falsely claimed abandoned job, which was denied for days, manager & V.P called me a great employee, loved by customers, on time & hard worker, then I

got sick, contacted daily & they took my job & kept the offending co-worker. I had to work my hours, eat dinner & go to bed to deal with crap the next day. My fear was high because this bully was unbalance & you never knew what she would do, like pinning me in workstation & lifting her blouse to her throat as intimidation & surprise was her thing & she singled me out making kissing sounds daily, saying she loved me then sending vulgarity to my cell phone & trying to set me up to be fired. She did this to another co worker who quit & bully bragged about it. At work she would sit on top of high counter in drive through window & listen to her music, while I worked & her favorite word to scream was "fuck," unless she was slamming chairs around. Ms. Bully would hide behind counters & doors to scare me to cause a heart attack & I told her to stop many times on everything she did to me, but she would not. I needed my pay to supplement my social security;

7) **Discrimination**- Age (younger worker v. older worker), disability as known accommodations at interview as promised & then not done within weeks, complaints filed it was making me sick, spoken in meetings & ignored with retaliation, set ups on mail, customer information money audits, work examined, while bully could not balance was not subjected to same treatment;

Manager claimed she missed my 90 anniversary & claimed their was other ways to handle it & from that time on things got really bad;

8) **Retaliation** — I was wrongfully terminated because I got sick from employer denying me diabetic insulin injections on a set schedule as promised, they demanded I come to work sick & drive while medicated & dizzy with high

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diabetic numbers & complications, which I could not do as jeopardy to others & myself. Refused to text message so to limit statements, refused all complaints as ignored, no fear for safety as they claimed, but not one of them wanted to work alone with this bully as they stated to me in a closed door meeting;

9) Manager claimed she wanted someone younger as new hire, could prevent old employees from getting a new job contrary to laws, refused to initial altered check as set up, & middle eastern man wanted thousands of dollars with tampered with drivers' license with a 20 year old picture, which I refused & the bully paid him as I was not going to break the law. I did 5 searches every week for a job, got 1 interview, no job, denied unemployment in retaliation & financial hardship caused with all facts a "good cause" reason to sue;

10) Prosperity Bank, with about 200 plus banks in Texas & Oklahoma, Prosperity Corporate Bank, 1301 North Mechanic, El Campo, Texas 77437, my branch 6200 Eldorado Parkway, suite 100, McKinney, TX. 75071, (972) 548-1367 & Prosperity Banc Shares, Inc., which shows all branches in Texas & Oklahoma. I worked for them for 5 long months of torture with hopes it would change because it was near home, \$12.50 per hour, for 20 to 25 hours per week, which changes to 32 to 37 hours per week as too hard & not disclosed by them;

11) Abandoned job false claim December 27 & demanded keys on Dec. 29;

12) Because I was sick they falsely claimed I abandoned my job, which I have proof they knew it was a false claim & made up by manager because she missed the anniversary date. They made me sick with no insulin, knew I was sick as \ stated daily from Dec. 21, then claimed I was always at work & great employee;

- 13) **Real Reason** — termination for written & verbal complaint, made more money than bully, age as senior worker, following company rules as they all did not as a big party daily, upset I was not liking the abusive treatment, tried to force me to quit by set ups & when that did not work did sexual harassment & bullying. When I got blocked by the bully my manager claimed " well at least she did not hit you, then later claimed no hostile workplace & no unsafe conditions per her & HR statements;
- 14) **Teller with more than 20 years experience**, since 1986 every weekend, every day to close as flexible hours, did my job & went home with a security background & worked just about every Saturday;
- 15) **Don't know who replaced me**, but bully still at bank after I left. My belongings were returned in a smell dog food box by the manager & denied all wage accountability for time worked. (Manager wanted younger employees.);
- 16) \$12.50 per hour, paid every two weeks plus on their schedule;
- 17) **Employees** are about 200 or more in about 200 branches on website;
- 18) **No new employment** at this time as in need of 2 back surgeries;
- 19) **Filed for unemployment**, was told that my wages were not being reported timely, got a W-2 a year later, so company could falsely claim not enough wages;
- 20) **No union, no written contract**, false employment statements & company policies booklet kept as they tried to revise it on all my issues & past it off as a fake company policy book. I have my original that states noting about complaints, bullying, sexual harassment, vulgarity, violence, hostile workplace termination, etc as stated within this court document & all court records;
- 21) **No release & no waiver** signed by me or anyone;

22) **I was injured on job** & did file a worker's compensation claim, no attorney & have not heard anything back, with full explanations of workplace & company;

23) **All my wages not paid**, unemployment not paid, money for personal injury, pain & suffering, emotional distress, attorneys fees, court costs & any other money due;

24) **No performance evaluations given**, except verbal valuable employee, hard worker, on time, dependable. A corporate regional manager came to branch about Dec. 16, met me & saw the bully with saved head, ring in nose, dressed slutty & the Vice President claimed he wanted to know who hired this person. (bully) This occurred just 5 days before my complaint about theft of my money & so much more;

25) **The bully would have screaming & crying fits** & this Vice President had to come to work to calm her down, so plenty was witnessed at this branch, while the referred to "bad ass" manager was never around, but well protected & she did not work as proof by managers' transaction reports;

26) **No complaints about my work** as well liked & customer preferred me. One customer got pulled in by Vice President about bully's sexual coming on to men & he was married;

27) **I was never written up for any reason**, at anytime, by anyone as to my work activities or anything else were very important to me;

28) **There are witnesses** who would not support my claim because they want to keep their Prosperity Bank jobs as employed. My text messages, pictures, videos of 12 cameras speak to my claims & what I endured while employed with all written detailed complaints filed, faxed & claimed from Manager to Prosperity Banc Shares Board of Directors & Corporate that did "nothing"

except terminate me for not appreciating their abuses on the job as we look to words & activities. I have a picture of the bully sleeping on the job at the bank, plus much more;

29) Bully would invite her boyfriend into bank on Saturday to run around, dance, kiss, feel each other up running from room to room & VP caught him there as door was unlocked & security bank breached, when she walked in;

30) I know employee Jackie (don't know last name) who left & quit her job because of bully as she claimed she got rid of her & she was a hard working sweet person, which occurred within 4 to 6 weeks after I started as she helped me & claimed she could not work with bully. **I filed with EEOC** & was given a "Right to Sue" letter & have to look up date as I interviewed with them in April;

31) A lawsuit was filed in the District Court, not all Defendants were served, attorney tried to strike a settlement offer with Bank, which I refused to sign as illegal demands to give notice if government if planning to investigate bank for violations of federal laws, the attorney withdraws as threatened for no signature & no fees. When I find out he was in on it as defense attorney against my interest, incomplete service of Defendants as case was in District Court, as held, just moved to Federal Court January 3, 2018 as a new case under federal laws.

32) I was terminated for getting sick after 5 months of no accommodations for my Lantus diabetic insulin, called in each day, doctor excuse refused, retaliation for complaints about bully, sleeping on job, breaching bank security, taking \$400 out of my work station to cause shortage, set ups, sexual harassment for months, blocking on work premises during working hours, retaliation for written & oral complaints, shortage & non- payment of wages, under reporting to deny unemployment, invalid settlement offer that is the above basis of this lawsuit.

33) If Attorneys Cobb, Martinez, Woodland & Attorney Phanuef would have



February 6, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

Ms. Darlene Amrhein is a 71yr old female who was evaluated on 1/26/18 secondary to cervical and lumbar related diagnoses: M47.12 cervical myelopathy, M99.31 osseous stenosis of neural canal of cervical region, M43.16 lumbar spondylolisthesis, and M99.33 osseous stenosis of neural canal of lumbar region. These diagnoses do require surgical intervention as they are currently affecting bodily function with complaints of urinary incontinence and retention, in addition to increasing difficulty with gait and coordination which can pose a threat for somebody with a diagnosis of cervical myelopathy. Pt has had to modify her daily activities; she is currently ambulating with a cane. First, I would address her cervical myelopathy with a posterior spinal fusion from C3-4 with laminectomy; this surgery is medically necessary in order to correct the level of severe cervical stenosis while providing vertebral stability. Then, I'd need to address her lumbar issues with an open 360 L4-S1. Her total post op disability time will be approximately 6 months post-operatively. Routine follow ups will be necessary in order for us to evaluate her return to work status closer to that 6 month post-op marker. Pt did require urgent work up as her symptoms have definitely deteriorated. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,

Rajesh G. Arakal, M.D.

Research the facts of this lawsuit in Texas & transferred to Federal Court they would have known this was not a frivolous or malicious lawsuit on Plaintiff's part to file their false misleading statements as officers of the Court to Obstruct Justice & commit "Fraud Upon the Courts" as one of false counts of "vexatious litigant" claim count that was **never researched**, not frivolous or malicious, etc.

34) It is ridiculous that Texas Courts can't serve summons to all Defendants, can't provide a lawful judge for over 1 year, any documents removed from Court Records, use a person as a fake judge, causing multiple recusals, wasted time, harassing deposition & removed 13 pages of corrections by Prosperity Bank et al Attorney to commit "Obstruction of Justice & Fraud Upon Courts;"

35) Plaintiff Amrhein has hired an attorney in this lawsuit.

IX. Vexatious Litigant, Chapter 11 of Texas Civil Practice & Remedies Code

TITLE 2. TRIAL, JUDGMENT, AND APPEAL

SUBTITLE A. GENERAL PROVISIONS CHAPTER 11. VEXATIOUS LITIGANTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 11.001. DEFINITIONS. In this chapter:

(1) "Defendant" means a person or governmental entity against whom a plaintiff commences or maintains or seeks to commence or maintain a litigation.

(2) "Litigation" means a civil action commenced, maintained, or pending in any state or federal court.

(3) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 1224, Sec. 10, eff. September 1, 2013.

(4) "Moving defendant" means a defendant who moves for an order under Section 11.051 determining that a plaintiff is a vexatious litigant and requesting security.

(5) "Plaintiff" means an individual who commences or maintains a litigation pro se.

Sec. 11.002. APPLICABILITY. (a) This chapter does not apply to an attorney licensed to practice law in this state unless the attorney proceeds pro se.

SUBCHAPTER B. VEXATIOUS LITIGANTS

Sec. 11.051. MOTION FOR ORDER DETERMINING PLAINTIFF A VEXATIOUS LITIGANT AND REQUESTING SECURITY.

In a litigation in this state, the defendant may, on or before the 90th day after the date the defendant files the original answer or makes a special appearance, move the court for an order:

- (1) determining that the plaintiff is a vexatious litigant; and
- (2) requiring the plaintiff to furnish security.

Sec. 11.052. STAY OF PROCEEDINGS ON FILING OF MOTION.

(a) On the filing of a motion under Section 11.051, the litigation is stayed and the moving defendant is not required to plead:

- (1) if the motion is denied, before the 10th day after the date it is denied;

or

(2) if the motion is granted, before the 10th day after the date the moving defendant receives written notice that the plaintiff has furnished the required security.

(b) On the filing of a motion under Section 11.051 on or after the date the trial starts, the litigation is stayed for a period the court determines.

Sec. 11.053. HEARING. (a) On receipt of a motion under Section 11.051, the court shall, after notice to all parties, conduct a hearing to determine whether to grant the motion.

(b) The court may consider any evidence material to the ground of the motion, including:

- (1) written or oral evidence; and
- (2) evidence presented by witnesses or by affidavit.

Sec. 11.054. CRITERIA FOR FINDING PLAINTIFF A VEXATIOUS LITIGANT.

A court may find a plaintiff a vexatious litigant if the defendant shows that there is not a reasonable probability that the plaintiff will prevail in the litigation against the defendant and that:

(1) the plaintiff, in the seven-year period immediately preceding the date the defendant makes the motion under Section 11.051, has commenced, prosecuted, or

maintained at least five litigations as a pro se litigant other than in a small claims court that have been:

(A) finally determined adversely to the plaintiff;

(B) permitted to remain pending at least two years without having been brought to trial or hearing; or

(C) determined by a trial or appellate court to be frivolous or groundless under state or federal laws or rules of procedure;

(2) after a litigation has been finally determined against the plaintiff, the plaintiff repeatedly relitigates or attempts to relitigate, pro se, either:

(A) the validity of the determination against the same defendant as to whom the litigation was finally determined; or

(B) the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against the same defendant as to whom the litigation was finally determined; or

(3) the plaintiff has previously been declared to be a vexatious litigant by a state or federal court in an action or proceeding based on the same or substantially similar facts, transition, or occurrence.

Sec. 11.055. SECURITY. (a) A court shall order the plaintiff to furnish security for the benefit of the moving defendant if the court, after hearing the evidence on the motion, determines that the plaintiff is a vexatious litigant.

(b) The court in its discretion shall determine the date by which the security must be furnished.

(c) The court shall provide that the security is an undertaking by the plaintiff to assure payment to the moving defendant of the moving defendant's reasonable expenses incurred in or in connection with a litigation commenced, caused to be commenced, maintained, or caused to be maintained by the plaintiff, including costs and attorney's fees.

Sec. 11.056. DISMISSAL FOR FAILURE TO FURNISH SECURITY. The court shall dismiss a litigation as to a moving defendant if a plaintiff ordered to furnish security does not furnish the security within the time set by the order.

Sec. 11.057. DISMISSAL ON THE MERITS. If the litigation is dismissed on its merits, the moving defendant has recourse to the security furnished by the plaintiff in an amount determined by the court.

SUBCHAPTER C. PROHIBITING FILING OF NEW LITIGATION

Sec. 11.101. PREFILING ORDER; CONTEMPT. (a) A court may, on its own motion or the motion of any party, enter an order prohibiting a person from filing, pro se, a new litigation in a court to which the order applies under this section without permission of the appropriate local administrative judge described by Section 11.102(a) to file the litigation if the court finds, after notice and hearing as provided by Subchapter B, that the person is a vexatious litigant.

(b) A person who disobeys an order under Subsection (a) is subject to contempt of court.

(c) A litigant may appeal from a prefiling order entered under Subsection (a) designating the person a vexatious litigant.

(d) A prefiling order entered under Subsection (a) by a justice or constitutional county court applies only to the court that entered the order.

(e) A prefiling order entered under Subsection (a) by a district or statutory county court applies to each court in this state.

Sec. 11.102. PERMISSION BY LOCAL ADMINISTRATIVE JUDGE. (a) A vexatious litigant subject to a prefiling order under Section 11.101 is prohibited from filing, pro se, new litigation in a court to which the order applies without seeking the permission of:

(1) the local administrative judge of the type of court in which the vexatious litigant intends to file, except as provided by Subdivision (2); or

(2) the local administrative district judge of the county in which the vexatious litigant intends to file if the litigant intends to file in a justice or constitutional county court.

(b) A vexatious litigant subject to a prefiling order under Section 11.101 who files a request seeking permission to file a litigation shall provide a copy of the request to all defendants named in the proposed litigation.

(c) The appropriate local administrative judge described by Subsection (a) may make a determination on the request with or without a hearing. If the judge determines that a hearing is necessary, the judge may require that the vexatious litigant

filing a request under Subsection (b) provide notice of the hearing to all defendants named in the proposed litigation.

(d) The appropriate local administrative judge described by Subsection (a) may grant permission to a vexatious litigant subject to a prefiling order under Section 11.101 to file a litigation only if it appears to the judge that the litigation:

(1) has merit; and

(2) has not been filed for the purposes of harassment or delay.

(e) The appropriate local administrative judge described by Subsection (a) may condition permission on the furnishing of security for the benefit of the defendant as provided in Subchapter B.

(f) A decision of the appropriate local administrative judge described by Subsection (a) denying a litigant permission to file a litigation under Subsection (d), or conditioning permission to file a litigation on the furnishing of security under Subsection

(e), is not grounds for appeal, except that the litigant may apply for a writ of mandamus with the court of appeals not later than the 30th day after the date of the decision. The denial of a writ of mandamus by the court of appeals is not grounds for appeal to the supreme court or court of criminal appeals.

Sec. 11.103. DUTIES OF CLERK. (a) Except as provided by Subsection (d), a clerk of a court may not file a litigation, original proceeding, appeal, or other claim presented, pro se, by a vexatious litigant subject to a prefiling order under Section 11.101 unless the litigant obtains an order from the appropriate local administrative judge described by Section 11.102(a) permitting the filing.

(c) If the appropriate local administrative judge described by Section 11.102(a) issues an order permitting the filing of the litigation, the litigation remains stayed and the defendant need not plead until the 10th day after the date the defendant is served with a copy of the order.

(d) A clerk of a court of appeals may file an appeal from a prefiling order entered under Section 11.101 designating a person a vexatious litigant or a timely filed writ of mandamus under Section 11.102.

Sec. 11.1035. MISTAKEN FILING. (a) If the clerk mistakenly files litigation presented, pro se, by a vexatious litigant subject to a prefiling order under Section 11.101

without an order from the appropriate local administrative judge described by Section 11.102(a), any party may file with the clerk and serve on the plaintiff and the other parties to the litigation a notice stating that the plaintiff is a vexatious litigant required to obtain permission under Section 11.102 to file litigation.

(b) Not later than the next business day after the date the clerk receives notice that a vexatious litigant subject to a prefiling order under Section 11.101 has filed, pro se, litigation without obtaining an order from the appropriate local administrative judge described by Section 11.102(a), the clerk shall notify the court that the litigation was mistakenly filed. On receiving notice from the clerk, the court shall immediately stay the litigation and shall dismiss the litigation unless the plaintiff, not later than the 10th day after the date the notice is filed, obtains an order from the appropriate local administrative judge described by Section 11.102(a) permitting the filing of the litigation.

(c) An order dismissing litigation that was mistakenly filed by a clerk may not be appealed.

**Sec. 11.104. NOTICE TO OFFICE OF COURT ADMINISTRATION;
DISSEMINATION OF LIST.**

(a) A clerk of a court shall provide the Office of Court Administration of the Texas Judicial System a copy of any prefiling order issued under Section 11.101 not later than the 30th day after the date the prefiling order is signed.

(b) The Office of Court Administration of the Texas Judicial System shall post on the agency's Internet website a list of vexatious litigants subject to prefiling orders under Section 11.101. On request of a person designated a vexatious litigant, the list shall indicate whether the person designated a vexatious litigant has filed an appeal of that designation.

(c) The Office of Court Administration of the Texas Judicial System may not remove the name of a vexatious litigant subject to a prefiling order under Section 11.101 from the agency's Internet website unless the office receives a written order from the court that entered the prefiling order or from an appellate court. An order of removal affects only a prefiling order entered under Section 11.101 by the same court. A court of appeals decision reversing a prefiling order entered under Section 11.101 affects only the validity of an order entered by the reversed court.

Vexatious Litigant Criteria

(1) the plaintiff, in the seven-year period immediately preceding the date the

defendant makes the motion under Section 11.051, has commenced, prosecuted, or maintained in propria persona at least five litigations other than in a small claims court that have been:

(A) finally determined adversely to the plaintiff;

(B) permitted to remain pending at least two years without having been brought to trial or hearing; or

(C) determined by a trial or appellate court to be frivolous or groundless under state or federal laws or rules of procedure;

(2) after a litigation has been finally determined against the plaintiff, the plaintiff repeatedly relitigates or attempts to relitigate, in propria persona, either:

(A) the validity of the determination against the same defendant as to whom the litigation was finally determined; or

(B) the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against the same defendant as to whom the litigation was finally determined; or

(3) the plaintiff has previously been declared to be a vexatious litigant by a state or federal court in an action or proceeding based on the same or substantially similar facts, transaction, or occurrence.

I. Lawsuit 2012 United States Northern District Court Jerry Riechert et al (House)

The false Order of Plaintiff Amrhein being a "vexatious litigant" is on Appeal in the Fifth Circuit Court of Appeals as pending with no final Orders that was sent to the United States Eastern District Court with no service of process & multiple Defendants as invalid prior Court proceedings with no established jurisdiction, no hearing, no material witness testimony, no evidence before the Court, no vexatious litigant hearing, no witnesses, no contempt of Court, no listing published in Texas Judicial System, no refused court filings, but used to slander Plaintiff & silence with conflict of interest, known bias, prejudice & retaliation to do favors for ex-employees & friends to prevent the lawsuit on merits & "due process with enforcement of state & federal laws. When Plaintiff filed for permission under fake Vexatious Litigant Order there was no response as false & abuse of discretion. Pending & no final Order by Judicial mishandling of case & all errors by Judge Fish, Magistrate Toliver, Fifth Court of Appeals, Chief Judge Carl Stewart & interception to remove records of misconduct by clerks in U.S. Supreme Court, so this

lawsuit does not qualify to be counted toward 7 years of pro se litigation as “ **no final Order to date,**” not frivolous or malicious;

II. David Schroeder Lawsuit was in small claims / Justice Court was does not count as vexatious litigant, represented by Wormington & Bollinger in wrong court, no jurisdiction, wrong amount, so Court dismissed due to Attorney Bollinger errors;

David Schroeder in County Court at Law No. 2 based on false advice of small claims Court, no ruling made & nothing to appeal without prior Judge’s Order, so David Schroeder lawsuits do not qualify under “vexatious litigant” claim count;

III, Defendants Wormington & Bolinger Law Firm et al & Attorney Bollinger

The purpose of vexatious litigant is not to dismiss for purpose of cover up, conspiracy, to escape all due process for all stated Pleadings & Material Facts for a favor from the Judge to cover up discriminations, violations of ADA & invalid Motion 91a, due to Motion To Stay because of 2 back operations protected by ADA & EEOC charges as reported & in violation of Collin County Administration as stated on their own website as follows:

Collin County Administration / ADA Coordination
2300 Bloomdale Road, Suite 4192, McKinney, TX 75071

Phone: 972-548-4631

Fax: 972-548-4699

Email: publicrelations@collincountytexas.gov

Complaint: A complaint may be made by sending a written communication of any type (email, letter, fax), providing the name, address, and phone number of the grievant and the location, date, and description of the problem. If a written complaint is not possible, alternative means are available upon request for a person with a disability. The complaint should be submitted as soon as possible but no later than 60 calendar days after the alleged violation to:

In accordance with Title II of the Americans with Disabilities Act of 1990 (ADA), Collin County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Requests for Aid, Service, or Policy Modification: Generally, upon request and at no cost to the requestor, Collin County will provide appropriate communication aids and services and make reasonable modifications to its policies and procedures to ensure that qualified persons with disabilities have an equal opportunity to participate in Collin County's programs, services, and activities.

Plaintiff Amrhein filed a EEOC Complaint, Collin County Court Administrator’s Complaint, a Department of Justice Complaint in Washington, D.C., Attorney General Jeff Sessions, Attorney General Ken Paxton & Governor Gregg Abbott, filed a Motion To Stay & Continue this lawsuit on inactive docket for 2 back surgeries, provided numerous

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medical proof including a detailed Doctor / Surgeons required medical case with 6 month recovery & it was ignored & denied with threats & more personal injuries against Plaintiff by age & disability discriminations of Judge Dan Wilson, Attorneys, Cobb, Martinez, Woodland, Atty. Phanuef, Attorneys Bollinger & Wormington Law Firm et al, Collin County Administrator & Collin County, Texas;

So with the fear of January 16, 2018 valid Stay for ADA, the Defendants now try the "Vexatious Litigant" deal with no research as to facts of any lawsuits that they count in their fraudulent claim to Obstruct Justice, to mislead this Court & commit "Fraud Upon the Court" as officers of the Court as licensed in the State of Texas, knowing Plaintiff has no money as in forma pauperis to pay any security & has made money threats to try to extort a dismissal during this required ADA Stay period in violation of Federal Laws;

IV. AHI & Aaron Miller does not qualify under vexatious litigant criteria count, because of judicial errors & Defendant's federal filed Chapter 7 Bankruptcy Order, so judicial Orders & not adversely to Plaintiff Amrhein & Plaintiff Balistreri, so no count;

V. Lawsuit 2012 United States Northern District Court La Madeleine Inc., et al

The false Order of Plaintiff Amrhein being a "vexatious litigant" is on Appeal in the Fifth Circuit Court of Appeals as pending with no final Orders that was sent to the United States Eastern District Court with no service of process & multiple Defendants as invalid prior Court proceedings with no established jurisdiction, no hearing, no material witness testimony, no evidence before the Court, no vexatious litigant hearing, no witnesses, no contempt of Court, no listing published in Texas Judicial System, no refused court filings, but used to slander Plaintiff & silence with conflict of interest, known bias, prejudice & retaliation to do favors for ex-employees & friends to prevent the lawsuit on merits & "due process with enforcement of state & federal laws. When Plaintiff filed for permission under fake Vexatious litigant Order, there was no response as false & abuse of discretion. Pending & no final Order by Judicial mishandling of case & all errors by Judge Fish, Magistrate Toliver, Fifth Court of Appeals, Chief Judge Carl Stewart & interception to remove records of misconduct by clerks in U.S. Supreme Court, including Judge Solis on this ERISA claim, held no hearings, made threats, established no jurisdiction, took no testimony, examined no evidence, which is now in the Fifth Circuit Court & pending with **"no final Order to date"** as named Defendants for conflict of interest, bias, prejudice, retaliations, so this lawsuit does not qualify to be counted toward 7 years of pro se litigation, **not filed frivolous, or malicious;**

VI. Reichert Lawsuit is the same lawsuit titled as House within the United Northern District Court that was moved to United States Eastern District Court which has no final Court Order Ruling with The United States of America et al to include all Federal Employees that did not buy the Reicherts' house by frauds etc., so counting same Court case twice for "vexatious litigant" with no final orders as pending in Fifth Circuit Court

of Appeals, so invalid & false as stated to mislead this Court Obstruct Justice & commit "Frauds upon the Court" as Court officers & Texas Licensed Attorneys;

VII. Donald Verrilli Jr. is another double or triple count no lawsuit as changed in United States Eastern District Court as clerical errors & still pending with no Court Order on corrected lawsuit, so no count toward vexatious litigant" as false as stated to mislead this Court, Obstruct Justice & commit "Frauds upon the Court" as Court officers & Texas Licensed Attorneys; (See lawsuit I)

VIII. Prosperity Bank, et al Lawsuit filed in Texas Court a little over a year, represented by Attorney Todd Harlow as undisclosed Defendants' Attorney, fraudulent Settlement offer refused, threat to sign under duress or he would withdraw as he did Sept. 6, 2017. Prosperity Bank, et al is employment violations as described within, personal injury to Plaintiff, hostile work place, Retaliation, Sexual Harassment & theft of wages. Not frivolous, without merit & malicious as stated to count in "Vexatious Litigant" count false as stated to mislead this Court Obstruct Justice & commit "Frauds upon the Court" as Court officers & Texas Licensed Attorneys & as Plaintiff has hired an attorney;

In Conclusion, Prayer & Relief

Cobb, Martinez, Woodland & Attorney Phanuef has filed this fraudulent document called Defendants' Motion For An Order Determining Plaintiff Darlene Amrhein To Be A Vexatious Litigant And Requesting Security with no Service of Conference or Plaintiff Amrhein could have warned then that this is false as stated to mislead this Court Obstruct Justice & commit "Frauds upon the Court" as Court officers & Texas Licensed Attorneys.

- 1) Defendants tried rule 91a & no timely hearing was complete before the Motion To Stay under federal law ADA that will be reversed on Appeal for "abuse of discretion & rule 91a hearing to be completed not after January 16, 2018 Stay within 60 days.
- 2) Defendants tried intimidation tactic of \$14,100.00 plus to be paid by February 23, 2018 with medical bills & debt over \$100,00.00 & only Social Security to live on as ill;
- 3) Defendants try threats, demand & harassment against disabled senior Plaintiff & end up being named in several federal & Texas complaints for lawsuits of discrimination & ADA;
- 4) Now Defendants try the double & triple count of Plaintiff's lawsuits, some with attorneys, all still pending with no final Orders & no adverse effects to this litigant, Attorney Phanuef exhibits are blacked out, she holds document to last minute so to avoid response to facts & truth, sets a hearing she knows Plaintiff Amrhein can not attend due to illness & ADA discriminations & violations to get her offending clients off for all injuries, harms & violations of all laws as stated & plead by Plaintiff Amrhein, which if granted will result in an Appeals up to the Texas Supreme Court. If Plaintiff forgot anything it is because on narcotics for my disabilities & tremendous pain now;

mf

Score Card for Plaintiff Amrhein as Vexatious Litigant by Criteria is zero (0) lawsuits & not qualified at all so fraudulent filing :

(1) the plaintiff, in the seven-year period immediately preceding the date the defendant makes the motion under Section 11.051, has commenced, prosecuted, or maintained in propria persona at least five litigations other than in a small claims court that have been:

(A) finally determined adversely to the plaintiff;

(B) permitted to remain pending at least two years without having been brought to trial or hearing; or

(C) determined by a trial or appellate court to be frivolous or groundless under state or federal laws or rules of procedure;

(2) after a litigation has been finally determined against the plaintiff, the plaintiff repeatedly relitigates or attempts to relitigate, in propria persona, either:

(A) the validity of the determination against the same defendant as to whom the litigation was finally determined; or

(B) the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against the same defendant as to whom the litigation was finally determined; or

(3) the plaintiff has previously been declared to be a vexatious litigant by a state or federal court in an action or proceeding based on the same or substantially similar facts, transition, or occurrence.

No valid prior vexatious litigant, no contempt charges, no documented listing in Judicial System, no response of prior Judges, no refused filings as Pro Se Litigant from any Courts, no groundless, frivolous or malicious filings as stated & no lawsuits without any good cause" reasons, no 5 lawsuits adversely within 7 years, so no qualified vexatious litigant for Plaintiff Amrhein;

Plaintiff has attached as Exhibit A – Dr. Arakal detailed report on Plaintiff's medical condition, treatment plan & needed recovery time that Defendants have discriminated against & will be held liable for all personal injuries complaints as caused. This false Motion by Defendants Attorney within needs to be denied or it is abuse of discretion & reversed on Appeals. I pray that you all pray for my swift & speedy recovery to return to this lawsuit with God's Help & considerations.

Darlene C. Balistreri-Amrhein

Respectfully submitted,

Darlene C. Balistreri-Amrhein, Plaintiff, Pro Se

2/14/2018

VERIFICATION / AFFIDAVIT

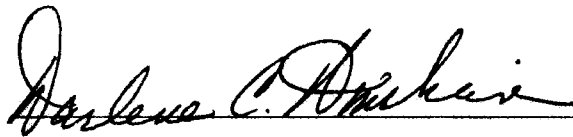
Cause No. 005-02654-2017

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff, Darlene C. Amrhein, who swore in her capacity & individually on her sworn oath, deposed & said she prepared and signed Plaintiff's Objections & Responses To Defendants Motion For An Order Determining Plaintiff Darlene Amrhein To Be A Vexatious Litigant And Requesting Security.

This information as referenced and stated within is true and correct and of Darlene C. Amrhein's own personal knowledge to best of her ability & documented. This Texas State filing is for purpose of "due process," fairness, Justice under State Laws & Rights presented in applicable Court attached as sited for this Court filing.



Darlene C. Amrhein, Plaintiff, Pro Se

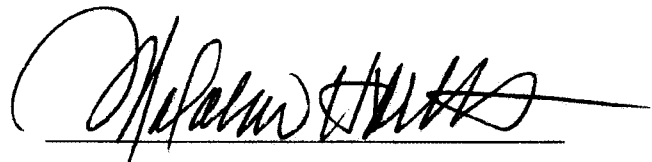
SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON 2.14, 2018 to
Certify which witness my hand and official seal.

SEAL:



Malachi HACKETT

Notary Public of Texas (Printed Name)



Notary Public of Texas (Signature)

Commission Expires 10.29.2018

Me.

1424



February 6, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

Ms. Darlene Amrhein is a 71yr old female who was evaluated on 1/26/18 secondary to cervical and lumbar related diagnoses: M47.12 cervical myelopathy, M99.31 osseous stenosis of neural canal of cervical region, M43.16 lumbar spondylolisthesis, and M99.33 osseous stenosis of neural canal of lumbar region. These diagnoses do require surgical intervention as they are currently affecting bodily function with complaints of urinary incontinence and retention, in addition to increasing difficulty with gait and coordination which can pose a threat for somebody with a diagnosis of cervical myelopathy. Pt has had to modify her daily activities; she is currently ambulating with a cane. First, I would address her cervical myelopathy with a posterior spinal fusion from C3-4 with laminectomy; this surgery is medically necessary in order to correct the level of severe cervical stenosis while providing vertebral stability. Then, I'd need to address her lumbar issues with an open 360 L4-S1. Her total post op disability time will be approximately 6 months post-operatively. Routine follow ups will be necessary in order for us to evaluate her return to work status closer to that 6 month post-op marker. Pt did require urgent work up as her symptoms have definitely deteriorated. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,

Rajesh G. Arakal, M.D.

Exhibit A

CERTIFICATE OF SERVICE

A true and correct copy of Plaintiff's Objections & Responses To Defendants' Motion For An Order Determining Plaintiff Darlene Amrhein To Be A Vexatious Litigant And Requesting Security was served by e-file or Certified Mail through the United States Post Office on or about Feb. 14, 2018 to the following:

Collin County Courthouse

Certified 7017 0530 0000 6416 5894

County Court at Law No. 5

Honorable Dan K. Wilson

Attn: Collin County District Clerk's Office

2100 Bloomdale Rd.

McKinney, TX 75071

Cobb, Martinez, Woodward, PLLC

Certified # 7017 0530 0000 6416 5818

Attorney Carrie Johnson Phaneuf

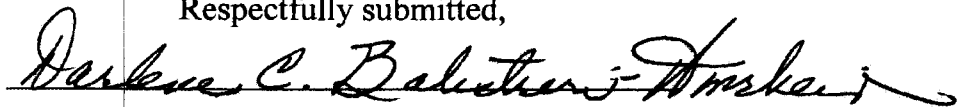
1700 Pacific Avenue, Suite 3100

Dallas, TX. 75201

CERTIFICATE OF CONFERENCE

There was no conference filed & served because Plaintiff is too sick, in pain & medicated from hospital discharge.

Respectfully submitted,



Darlene Balistreri-Amrhein, Plaintiff, Pro Se and

Representative for Deceased Anthony J. Balistreri

2/14/18

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FROM:

DATE OF DELIVERY SPECIFIED*

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INSURANCE INCLUDED*

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* Domestic only

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STOMS DECLARATION
L MAY BE REQUIRED.

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FROM: *J. Hornheim*
112 Wesley Circle
McKinney, TX 75071

TO: *County Court @*
Law No. 5.
2100 Bloomingdale Rd
McKinney, TX 75071

FILED
COUNTY COURT AT LAW
FEB 15 2018
STACY KEMP, COUNTY CLERK
BY *[Signature]* DEPUTY
@ 1:15 pm



10001000014

EP14F July 2013
OD: 12.5 x 9.5

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006-02654-2017

Filed
County Court at Law
02/16/2018 3:15 pm
Stacey Kemp, County Clerk
Collin County, Texas
Deputy: Turner, Danyelle

THE STATE OF TEXAS
FIRST ADMINISTRATIVE JUDICIAL REGION
ORDER OF ASSIGNMENT BY THE PRESIDING JUDGE

Pursuant to Section 74.056, Texas Government Code, I assign the:

Honorable Mary Murphy

Senior Justice of The 5th District Court Of Appeals

to the

County Court at Law #6 of Collin County, Texas

This assignment is for the cause(s) and style(s) as stated in the conditions of assignment from this date until plenary power has expired or the undersigned Presiding Judge has terminated this assignment in writing, whichever occurs first.

CONDITION(S) OF ASSIGNMENT

No. 005-02654-2017; Darlene C. Amrhein, et al. v. Attorney Lennie F. Bollinger, et al. for the limited purpose of addressing recusal-objections to the judge and related procedures.

In addition, whenever the assigned Judge is present in the county of assignment for a hearing in the above cause(s), the Judge is also assigned and empowered to hear, at that time, any other matters presented for hearing.

It is ordered that the Clerk of the court to which this assignment is made, if it is reasonable and practicable and if time permits, give notice of this assignment to each party to a case that is to be heard in whole or in part by the assigned Judge.

SIGNED: _____

Date

February 16, 2018

Mary Murphy

Mary Murphy, Presiding Judge
First Administrative Judicial Region of Texas

Assign# 27613

006-02654-2017

NO. 005-02654-2017

DARLENE C. AMRHEIN, ET AL.

V.

ATTORNEY LENNIE F. BOLLINGER,
ET AL.

IN THE COUNTY COURT

AT LAW NO. 6 OF


COLLIN COUNTY, TEXAS

ORDER STAYING CASE UNTIL MARCH 5, 2018

Plaintiff has filed objections to hearings and to transfer of this case to County Court at Law No. 6. After reviewing the requests and with approval of Judge Jay Bender, the undersigned finds that all matters in this case should be stayed for a period of two weeks in light of the objection to judge and to address health issues raised by Plaintiff.

IT IS THEREFORE ORDERED that this case is stayed until March 5, 2018.

Signed this 16 day of February, 2018.


MARY MURPHY
PRESIDING JUDGE
FIRST ADMINISTRATIVE JUDICIAL
REGION AND SENIOR JUSTICE
SITTING BY ASSIGNMENT FOR
LIMITED PURPOSE

original

FILED
COUNTY COURT AT LAW

FEB 21 2018

STACEY KEMP COUNTY CLERK
BY *[Signature]* DEPUTY

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al

COUNTY COURT AT LAW

Plaintiffs,

V.

NO. SIX (6) JUDGE BENDER

ATTORNEY LENNIE F. BOLLINGER, AND
WORMINGTON & BOLLINGER LAW FIRM COLLIN COUNTY, TEXAS
Defendants, et al

**PLAINTIFF'S NOTICE & OBJECTIONS IN THE TRANSFER TO THIS
COURT & SCHEDULED COURT HEARING ON FEBRUARY 23, 2018
FOR THE FOLLOWING "GOOD CAUSE" REASONS**

Comes now, Plaintiff, Darlene C. Amrhein (Balistreri) to file Plaintiff's Notice & Objections In The Transfer To This Court & Scheduled Court Hearing On February 23, 2018 for the "Good Cause" Reasons are numerous as follows:

- 1) Lawsuit Cause No. 005-02654-2017 transferred to this Court, Cause No. 006-02654-2017 due to Amended Order of Recusal of Judge Dan Wilson on Feb. 14, 2018 for following "good cause" reasons, prejudice & no un bias trier of facts;
- 2) This lawsuit was transferred to this wrong Court as it is over value at about \$200,000.00, not under \$100,000.00 as jurisdictional limited dollar amount;
- 3) The reason this was done was because there have been many errors in moving forward in this lawsuit, along with cover up, conspiracy, violations of laws & denied Americans With Disabilities Act / ADA for Plaintiff Amrhein's 2 back surgeries as denied by Judge Dan Wilson, statements made by Collin County Department, filed government complaints for these threats, demands, causing additional personal injuries & threats to extort & charges \$140,000.00, \$ 14,100, \$11,700.00 plus, to protect these Defendants & silence Plaintiff in this lawsuit;
- 4) First "dirty trick" with Judge Dan Wilson was to deny a Stay & Continuance of

/.

this Lawsuit for "good cause" medical reasons as documented & provided, while continuing this lawsuit, but he allows Defendants Attys to take full advantage of Plaintiff's medical events, medical conditions & medical restrictions denying care;

5) "2nd dirty trick" is cover up, conspiracy to eliminate most all of Plaintiff's 56 stated claims to eliminate this lawsuit, which showed bias, prejudice & retaliation against Plaintiff & her stated claims for demanded about \$165,800.00 for injuries;

6) "3rd dirty trick," Defendants' Attorneys, Cobb, Martinez & Woodland through Attorney Carrie Johnson Phaneuf to threaten Plaintiff with charges of \$14,100 plus Attorney fees granted by Judge Dan Wilson to dismiss this lawsuit with prejudice or pay \$165,000 to silence Plaintiff's 56 claims / injuries against Attorneys Bollinger & Wormington Law, et al, which is threats to extort, money as bullies;

7) The cover up about American With Disabilities Act / ADA as federal law is not optional & detailed diagnosis, medical treatment plan & requirements were disclosed, so no doubt about Plaintiff's disabilities & Stay / Continuance on the inactive court docket for surgeries & 6 months of recovery, which was refused by Collin County Judge Dan Wilson as reported to the U.S. Department of Justice & other Authorities. How disabled is necessary if not age, details & requirements ?

8) I was forced to prepare more than 200 pages of documents by actions of Judge Dan Wilson, Cobb, Martinez, Woodland & Attorney Carrie Johnson Phaneuf, while receiving more than 25 contacts, emails & certified mail, while in poor health, medicated for painful conditions, causing more injuries & 3 hospitalizations at two different hospitals, with multiple bills to Medicare, due to facts, stress & bullying;

9) Defendants attitude is that Defendants Attorneys "are above the laws" for the illegal acts & crimes covered up, so they are never held liable for the damages to Plaintiff's for acts during fraudulent legal representations & Legal Malpractice;

10) These threats to have this or any Court to grant attorneys' fees for about

\$165,000.00 for suing these Attorneys Lennie Bollinger & Wormington Law Firm, et al of 4 Attorneys total participants from 2015 to the present is totally unlawful;

11) The next activity with Defendants Attorneys, Cobb, Martinez, Woodland & Attorney Carrie Johnson Phanuef & Judge Dan Wilson was to make false claims of every lawsuit in the past 5 years falsely claiming as "vexatious litigant" & demand new "vexatious litigant" Order by Judge Dan Wilson to silence Plaintiff lawsuit;

12) Defendants' Attorney pulled inaccurate old information on this matter causing detailed explanations of every lawsuit in 7 years, (118 pages) showing no adverse lawsuit Orders & double counting to Obstruct Justice & commit "Fraud Upon The Court" as officers of the Court in violation of their oaths & licensing to dismiss suit

13) The "fix was in" with Collin County Courts, Judge Dan Wilson, Defendants & their Attorneys as at first the Judge denied Plaintiff's Motion For Recusal, until filed ADA & Authorities complaints based on his denied Stay & Continuance of this lawsuit for serious medical reasons as entitled to surgeries & healthcare;

14) February 14, 2018 I received judge's Amended Order to Recuse himself hoping he would not be involved in violations of ADA as named & continued;

15) The threats continue to additional \$11,700.00 in this lawsuit if Appealed to higher Texas Courts for their intimidations, threats & abuses against senior, disabled Plaintiff Amrhein, as "protected class," Americans With Disabilities Act, ADA federal laws to be enforced in Texas, as Pro Se Plaintiff is being prejudiced;

16) Attorney Bollinger tried to bribe Plaintiff \$3,000.00 to drop this lawsuit when served & it's refused as his ethics are questionable with others within this lawsuit;

17) Attorney Bollinger, et al refused to report sexual assault & theft of Plaintiff & My property shows misconduct & illegal activities, cover up & conspiracy;

18) The above activities by Attorney Bollinger's Attorneys is serious misconduct;

19) Their real reason Attorney Bollinger's Attorneys are doing all of above is their

claim, Plaintiff cannot possibly win this lawsuit with any favorable outcome on 56 stated claims, material facts & misconduct against them affecting 2 other lawsuits in jury trial, which I disagree based on all facts, evidence, duties & violated laws;

20) What Defendants & their Attorneys are doing is intimidation, financial threats, demands & bullying with aid of Collin County Court judges & that is why they never considered the dollar amount value of this lawsuit when it was transferred to this Court at \$100,000.00, when lawsuit is \$200,000.00, as retaliation to destroy;

21) This was a repeat of the Attorney Bollinger illegal acts & filing in wrong court, wrong amount, wrong pleadings & only 1 claims, refused jury trial & his withdrawal to cause injuries & harms to Plaintiff with cover up & conspiracy as to Defendant Schroeder's sexual assault & theft of Plaintiff's property, that is now being defended by Judge Dan Wilson, Cobb, Martinez, Woodland & Attorney Carrie Johnson Phanuef in this lawsuit to take advantage of my medical conditions;

22) Notice on all this misconduct given to Honorable Regional Administrative Judge Mary Murphy on Feb. 15, 16, 2018 & other Texas Authorities;

23) I have every reason to believe that I, Plaintiff Amrhein, has been "blacklisted," 30 Attorneys, no fairness, "no due process," no Justice in Collin County Courts;


24) I, Plaintiff Darlene Amrhein, am unable to attend any hearings for medical reasons as filed numerous time under American With Disabilities Act / ADA on February 23, 2018 or anytime until my 2 surgeries are complete, with full recovery & release by my spinal team for fusion, removed spinal bone, pinched nerves & correct bodily functions is very serious, not optional, as anything less is wrong, objectionable, "abuse of discretion," transferred Court needs immediate Recusal. So Judge Wilson, recuses himself, sends case to Judge Bender to dismiss case fraudulently, with Attorneys fees as favors for Defendants & their Attorneys in "retaliation against disabled senior litigant," fraud against Collin County as their bosses & denied federal ADA laws. All under handed on a **rigged & fixed Judicial System** by Judges who are suppose to uphold the laws against their oath of office, by Obstruction of Justice & "Fraud Upon The Courts" & illegal acts as reported.

Submitted Timely to County Court at Law, No. 6, Darlene Balistreri- Amrhein,

Plaintiff Pro Se, *Darlene C. Balistreri-Amrhein* 2-16-2018

(Exhibits A to D)

4.

* Deal Made by Judges Wilson & Bender Hearing 1433 
1433

VERIFICATION / AFFIDAVIT

NO 006-02654-2017

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff, Darlene C. Amrhein, who swore in her capacity & individually on her sworn oath, deposed and said she prepared and signed

Plaintiff's Notice & Objections to the Transfer to this Court & Scheduled Hearing Feb 23, 2018 for "Good Cause" Reasons

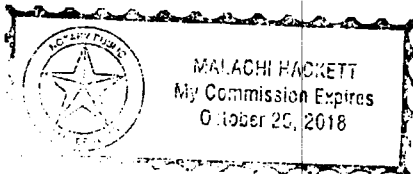
This information as referenced and stated within is true and correct and of Darlene C. Amrhein's own personal knowledge to best of her ability & documented. This state and or federal filing is for purpose of "due process," fairness, Justice under State and Federal Laws & presented in applicable Court attached as sited for this Court filing. *(Bk)*

Darlene C. Balistreri-Amrhein
Darlene C. Balistreri Amrhein, Plaintiff, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON 2-14, 2018 to

Certify which witness my hand and official seal.

SEAL:



Commission Expires 10-29-2018

Malachi Hackett

Notary Public of Texas (Printed Name)

Malachi Hackett

Notary Public of Texas (Signature)

CERTIFICATE OF SERVICE

A true and correct copy of Plaintiff's Notice & Objections In The Transfer To This Court & Scheduled Court Hearing On February 23, 2018 For The Following "Good Cause" Reasons was served by Certified Mail through the United States Post Office on or about Feb. 16, 2018 to the following:

Judge Mary Murphy # 7017053000064165856

Collin County Courthouse

Certified 7017 0530 0000 6416 5832

County Court at Law No. 6

Honorable Judge Jay Bender
2100 Bloomdale Rd., Suite # 30354
McKinney, TX 75071

Cobb, Martinez, Woodward, PLLC

Certified # 7017 0530 0000 6415 8391

Attorney Carrie Johnson Phaneuf

1700 Pacific Avenue, Suite # 3100

Dallas, TX. 75201

CERTIFICATE OF CONFERENCE

There was no conference filed & served because Plaintiff is too sick, in pain & medicated from hospital discharge.

Respectfully submitted,

Darlene Balistreri-Amrhein

Darlene Balistreri-Amrhein, Plaintiff, Pro Se and
Representative for Deceased Anthony J. Balistreri

2/16/18

6.



February 6, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

Ms. Darlene Amrhein is a 71yr old female who was evaluated on 1/26/18 secondary to cervical and lumbar related diagnoses: M47.12 cervical myelopathy, M99.31 osseous stenosis of neural canal of cervical region, M43.16 lumbar spondylolisthesis, and M99.33 osseous stenosis of neural canal of lumbar region. These diagnoses do require surgical intervention as they are currently affecting bodily function with complaints of urinary incontinence and retention, in addition to increasing difficulty with gait and coordination which can pose a threat for somebody with a diagnosis of cervical myelopathy. Pt has had to modify her daily activities; she is currently ambulating with a cane. First, I would address her cervical myelopathy with a posterior spinal fusion from C3-4 with laminectomy; this surgery is medically necessary in order to correct the level of severe cervical stenosis while providing vertebral stability. Then, I'd need to address her lumbar issues with an open 360 L4-S1. Her total post op disability time will be approximately 6 months post-operatively. Routine follow ups will be necessary in order for us to evaluate her return to work status closer to that 6 month post-op marker. Pt did require urgent work up as her symptoms have definitely deteriorated. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,

Rajesh G. Arakal, M.D.

Exhibit A

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al,

Plaintiffs,

v.

ATTORNEY LENNIE F. BOLLINGER,
WORMINGTON & BOLLINGER LAW FIRM,

Defendants.

COUNTY COURT AT LAW

NO. 6

[Hon. Jay A. Bender]

COLLIN COUNTY, TEXAS

FIRST AMENDED NOTICE OF HEARING FOR DEFENDANT'S MOTION FOR AN
ORDER DETERMINING PLAINTIFF DARLENE AMRHEIN
TO BE A VEXATIOUS LITIGANT AND REQUESTING SECURITY

TO THE HONORABLE JUDGE OF SAID COURT:

PLEASE TAKE NOTICE that *Defendant's Motion for an Order Determining Plaintiff Darlene Amrhein to be a Vexatious Litigant and Requesting Security*, filed on February 9, 2018, is set for hearing on **Friday, February 23, 2018 at 1:30 p.m.** in the 6th County Court at Law of Collin County, Texas.

Dated: February 14, 2018

Respectfully submitted,

By: /s/ Carrie J. Phaneuf

CARRIE JOHNSON PHANEUF

Texas Bar No. 24003790

cphaneuf@cobbmartinez.com

JENNIFER SMILEY

Texas Bar No. 24082004

jsmiley@cobbmartinez.com

COBB MARTINEZ WOODWARD PLLC

1700 Pacific Avenue, Suite 3100

Dallas, Texas 75201

Phone: 214.220.5201

ATTORNEYS FOR DEFENDANTS

CMW 176838V1

FIRST AMENDED NOTICE OF HEARING FOR DEFENDANTS' MOTION FOR AN ORDER DETERMINING
PLAINTIFF DARLENE AMRHEIN TO BE A VEXATIOUS LITIGANT AND REQUESTING SECURITY

PAGE 1

1437

Ephraim B

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to Darlene Amrhein, *pro se*, by via electronic service through FileTime, e-mail, and priority mail on February 14, 2018.

Darlene Amrhein
112 Winsley Circle
McKinney, Texas 75071
Winsley112@yahoo.com

/s/ Carrie Johnson Phaneuf
CARRIE PHANEUF

Exhibit B

CAUSE NO. 005-02654-2017

DARLENE C. AMRHEIN, et al,

Plaintiffs,

v.

ATTORNEY LENNIE F. BOLLINGER,
WORMINGTON & BOLLINGER LAW FIRM,

Defendants.

COUNTY COURT AT LAW

NO. 5

[Hon. Dan K. Wilson]

COLLIN COUNTY, TEXAS

NOTICE OF HEARING FOR DEFENDANT'S MOTION FOR AN ORDER
DETERMINING PLAINTIFF DARLENE AMRHEIN
TO BE A VEXATIOUS LITIGANT AND REQUESTING SECURITY

TO THE HONORABLE JUDGE OF SAID COURT:

PLEASE TAKE NOTICE that *Defendant's Motion for an Order Determining Plaintiff Darlene Amrhein to be a Vexatious Litigant and Requesting Security*, filed on February 9, 2018, is set for hearing on **Tuesday, February 20, 2018 at 1:30 p.m.** in the 5th County Court at Law of Collin County, Texas.

Dated: February 12, 2018

Respectfully submitted,

By: /s/ Carrie J. Phaneuf

CARRIE JOHNSON PHANEUF

Texas Bar No. 24003790

cphaneuf@cobbmartinez.com

JENNIFER SMILEY

Texas Bar No. 24082004

jsmiley@cobbmartinez.com

COBB MARTINEZ WOODWARD PLLC

1700 Pacific Avenue, Suite 3100

Dallas, Texas 75201

Phone: 214.220.5201

ATTORNEYS FOR DEFENDANTS

CMW 176729V1

NOTICE OF HEARING FOR DEFENDANTS' MOTION FOR AN ORDER DETERMINING PLAINTIFF
DARLENE AMRHEIN TO BE A VEXATIOUS LITIGANT AND REQUESTING SECURITY

PAGE 1

1439



CAUSE NO. 005-02654-2017

DARLENE C. AMRHEIN, et al,

Plaintiffs,

v.

ATTORNEY LENNIE F. BOLLINGER, and
WORMINTON & BOLLINGER LAW FIRM,

Defendants.

COUNTY COURT AT LAW

NO. 5

[Hon. Dan K. Wilson]

COLLIN COUNTY, TEXAS

ORDER DENYING

"PLAINTIFF'S NOTICE TO THE COURT, SAID JUDGES, TO ALL DEFENDANTS AND THEIR
COUNSELS TO STAY & CONTINUE THIS LAWSUIT REMOVING IT OFF THE ACTIVE
DOCKET SHEETS FOR 'GOOD CAUSE' REASONS"

Before the Court is Plaintiff's document entitled "Plaintiff's Notice to the Court, Said Judge, to All Defendants and Their Counsels to Stay & Continue this Lawsuit Removing it off the Active Docket Sheets for 'Good Cause' Reasons," filed on January 16, 2018. Defendants filed a Response in Opposition.

After considering Plaintiff's Notice to the Court, Defendants' Response in Opposition, and relevant authority, the Court **ORDERS** as follows:

Plaintiff's Notice to the Court, filed on January 16, 2018, including her requests to stay this litigation and continue the hearing on Defendants' Rule 91a Motion to Dismiss is **DENIED**.

It is further **ORDERED** that Defendants' Rule 91a Motion to Dismiss is set for hearing by written submission on January 25, 2018.

It is **ORDERED** that Defendants are permitted to file and submit a Reply to Plaintiff's Response to the Motion to Dismiss by January 22, 2018.

Signed this 17 day of January, 2018.

Signed: 1/17/2018 09:58 AM

Dan K. Wilson

JUDGE PRESIDING

Exhibit D

HP OfficeJet Pro 6968 All-in-One Series

Fax Log for
Darlene Amrhein
972-547-0448
Feb 16 2018 10:53AM

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
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Digital Fax

Feb 16,	10:49AM	Fax Sent
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12146532957

4:30
N/A

12

OK

Subject: Re: No. 005-02654-2017; Amrhein, et al. v. Bollinger, et al.
From: Darlene Balistreri-Amrhein (winsley112@yahoo.com)
To: mmurphy@firstadmin.com;
Date: Friday, February 16, 2018 11:57 AM

I have copied the communications with County Court & Defendants
via certified mail # 7017 0530 0000 6416 5832- Court
Certified mail # 7017 0530 0000 6415 8391.

Thanks, Darlene C. Balistreri-Amrhein

On Friday, February 16, 2018 11:52 AM, Judge Mary Murphy <mmurphy@firstadmin.com> wrote:

Please do not communicate with this office without copying the court and counsel.

Thank you.

Mary Murphy
Presiding Judge
First Administrative Judicial Region
133 North Riverfront Blvd. LB 50
Dallas, TX 75207
214-653-2947
214-653-2957 (fax)
www.txcourts.gov/1ajr

From: Darlene Balistreri-Amrhein [mailto:winsley112@yahoo.com]
Sent: Friday, February 16, 2018 11:52 AM
To: Judge Mary Murphy
Subject: Re: No. 005-02654-2017; Amrhein, et al. v. Bollinger, et al.

Judge Murphy,

I appreciate your investigation about Judge Bender & Judge Wilson's hearing
as had planned to give notice to media.

The 2 week stay health status needs to be 6 months for 2 surgeries & recovery
as stated in Exhibit A, which has not changed since January 16, 2018 & has
gotten worse with demands, bullying & threats with more complications.

Look forward to your Orders.

Thank you,

Darlene C. Balistreri-Amrhein, Plaintiff

On Friday, February 16, 2018 11:30 AM, Judge Mary Murphy <mmurphy@firstadmin.com> wrote:

All:

Judge Bender is out of town and his office is closed today. After conferring by phone with Judge Bender, I will be issuing an order staying this case for a period of two weeks in order to address the status of the case and Plaintiff's health status.

That order will be forthcoming.

Sincerely,

Mary Murphy
Presiding Judge
First Administrative Judicial Region
133 North Riverfront Blvd. LB 50
Dallas, TX 75207
214-653-2947
214-653-2957 (fax)
www.txcourts.gov/1-ajr

D. Arkhiv
112 Wesley Circle
McKinney, TX 75071

CERTIFIED MAIL



7017 0530 0000 6416 5832



1000



75071

U.S. POSTAGE
McKINNEY, TX
FEB 16, 19
AMOUNT
\$5.29
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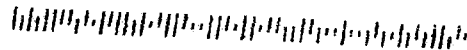
FILED
COUNTY COURT AT LAW

FEB 21 2018

STACY KEMP COUNTY CLERK
BY *[Signature]*

12:00pm

County Court at Law No. 6
Judge Fay Bender
2100 Blossdale Road
Suite #30354
McKinney, TX 75071



006-02654-2017
NO. 005-02654-2017

DARLENE C. AMRHEIN, ET AL.	§	IN THE COUNTY COURT
	§	
V.	§	AT LAW NO. 6 OF
	§	
ATTORNEY LENNIE F. BOLLINGER,	§	
ET AL.	§	COLLIN COUNTY, TEXAS


**ORDER LIFTING STAY AND TERMINATING ASSIGNMENT
OF SENIOR JUSTICE MARY MURPHY**

This case was stayed by the undersigned on February 16, 2018 to address Plaintiff's objection to transfer of this case to County Court at Law No. 6 and Plaintiff's health issues relevant to pending hearings. At the time of the stay, Judge Jay Bender, the Judge Presiding in County Court at Law No. 6, was unavailable due to a death in his family. After reviewing Plaintiff's objection to transfer of the case following the recusal of the judge of County Court at Law No. 5, the undersigned finds the objection to be without merit because County Court at Law No. 6 has concurrent jurisdiction with the other county courts at law of Collin County. Plaintiff has also sought an indefinite stay of the case due to medical issues. Judge Bender can address those concerns with the parties and there is no need for the undersigned to remain assigned to the case. Accordingly,

IT IS THEREFORE ORDERED that the stay of this case until March 5, 2018 shall be lifted on such date.

IT IS FURTHER ORDERED that the assignment of the undersigned to this case for the limited purpose stated in the assignment, is hereby terminated.

Signed this 2 day of March, 2018.


MARY MURPHY
PRESIDING JUDGE
FIRST ADMINISTRATIVE JUDICIAL
REGION AND SENIOR JUSTICE
SITTING BY ASSIGNMENT FOR
LIMITED PURPOSE

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al,

Plaintiffs,

v.

ATTORNEY LENNIE F. BOLLINGER, AND
WORMINTON & BOLLINGER LAW FIRM,

Defendants.

COUNTY COURT AT LAW

NO. 6

[Judge Bender]

COLLIN COUNTY, TEXAS

DEFENDANTS' RESPONSE IN OPPOSITION
TO PLAINTIFF'S MOTION FOR CONTINUANCE ("UPDATED MEDICAL
INFORMATION FOR 'NO WORK' IN PREPARATION FOR SURGERY DUE TO MY
HEALTH CONDITION & ADA FEDERAL LAW AS REQUIRED")

Defendants Lennie F. Bollinger and Wormington Law Group, PLLC d/b/a Wormington and Bollinger ("Defendants") file this Response in Opposition to Plaintiff Darlene C. Amrhein's ("Plaintiff" or "Amrhein") "Updated Medical Information for 'No Work' in Preparation for Surgery Due to My Health Condition & ADA Federal Law as Required, dated March 1, 2018, (hereafter, "Motion for Continuance"), as follows:

I. SUMMARY OF ARGUMENT

Amrhein's Motion for Continuance, including a request to stay the case indefinitely, must be denied because the Motion is brought for the purpose of unnecessary delay, and without sufficient cause. Respectfully, Amrhein has not provided any reliable evidence that her health conditions actually prevent her from litigating this case. As shown from her Motion and below, Amrhein is not incapacitated, bedridden or hospitalized and is able to physically able to leave her house. Her "doctor's note" admits she can ambulate with a cane. No surgery has been scheduled. There is no credible reason that requires the Court to stay the course of these proceedings or change any of its settings or future settings. Additionally, Amrhein has continued to enthusiastically prosecute her three other pending litigations in other courts, and one of her requests for a continuance/stay has been denied by the U.S. Court of Appeals for the Fifth Circuit.

Amrhein brought this lawsuit against Defendants but is now refusing to prosecute it. Defendants respectfully ask that Court to deny her requests for a stay or continuance of any kind, so that this matter can proceed. Denial of Amrhein's Motion for Continuance is necessary and permitted under Rules 247 and 251.

II. RELEVANT BACKGROUND FACTS

Amrhein originally filed this professional negligence lawsuit against Defendants on October 26, 2017 (15 pages). On November 27, 2017, she amended her petition for the first time (64 pages).

On December 22, 2017, as permitted by Rule 91a of the Texas Rules of Civil Procedure, Defendants filed a Motion to Dismiss under Rule 91a. Defendants set the Motion for an oral hearing, which was scheduled for January 25, 2018. Plaintiff responded to Defendants' Motion on January 2, 2018 (225 pages).

On January 3, 2018, Amrhein asked for a continuance because she claimed she could not attend an oral hearing in person due to alleged medical issues and procedures (4 pages). On January 16, 2018, Plaintiff filed a notice requesting a stay of the litigation because of her alleged health conditions that prevented her from attending a hearing in person (13 pages).

On January 17, the Court denied Plaintiff's motion for continuance but set the Motion to Dismiss for hearing by written submission (as permitted by Rule 91a.6) on January 25, 2018, accommodating Amrhein's alleged inability to appear for the hearing in person.

On January 19, 2018, Plaintiff filed a supplemental response to Defendants' Motion to Dismiss (32 pages). On January 22, 2018, Amrhein filed another supplemental response to Defendants' Motion to Dismiss (176 pages).

The Court considered Defendants' Motion to Dismiss by submission on January 25, 2018. On January 30, 2018, the Court granted Defendants' Motion to Dismiss and dismissed all of Plaintiff's causes of action which had no basis in law or fact, leaving only Plaintiff's claim for

legal malpractice.¹ To date, Plaintiff has refused to comply with the provisions of the Court's order that required her to replead and remove the dismissed causes of action, and that required her to remit attorneys' fees to Defendants in the amount of \$14,130.60.

On February 6, 2018, Amrhein filed a second motion for stay and continuance (9 pages) and also responded to the Court's Order granting the Motion to Dismiss (51 pages). On February 13, 2018, Plaintiff amended her pleadings and her "Timely First Amended Pleadings & 15 Notices" is the latest petition in this case (although this petition is not in compliance with the Court's January 30, 2018 order requiring her to replead) (98 pages).

On February 9, 2018, Defendants filed their Motion for an Order Determining Plaintiff to be a Vexatious Litigant, which is pending before the Court. On February 15, 2018, Plaintiff filed an Affidavit (7 pages); a Notice to the Court for Important Information (11 pages); and her Response to Defendants' Motion for an Order Determining Plaintiff to be a Vexatious Litigant (121 pages). The hearing on Defendants' Motion to Declare Plaintiff a Vexatious Litigant has not been set because Amrhein sought recusal of Judge Wilson (56 pages), which he then voluntarily agreed to, and because the case was thereafter stayed until March 5, 2018, by the Presiding Judge of the First Administrative Judicial Region.

Defendants now file this Response opposing Plaintiff's Motion for Continuance, dated March 1, 2018 (despite the fact that the stay was not lifted until March 5, 2018).²

III. LEGAL STANDARDS

A motion for continuance must state the specific facts that support it. *See Blake v. Lewis*, 886 S.W.2d 404, 409 (Tex. App.—Houston [1st Dist.] 1994, no writ). General allegations are not

¹ Defendants did not request dismissal of the legal malpractice cause of action.

² Defendants object to this Motion being filed before the Stay (requested by Amrhein) was lifted on March 5, 2018.

enough to support a motion for continuance. *Id.* The facts in the motion for continuance must be verified or supported by affidavit. Tex. R. Civ. P. 251.

A “motion to stay is directed to the discretion of the court and the granting or denying of such a motion will only be reviewed for an abuse of discretion.” *In re Unauthorized Practice of Law Comm.*, No. 13-08-00662-CV, 2008 Tex. App. LEXIS 9935, at *3 n.2 (Tex. App.—Corpus Christi Dec. 4, 2008) (citing *Williamson v. Tucker*, 615 S.W.2d 881, 886 (Tex. Civ. App.—Dallas 1981, writ ref’d n.r.e.); *Evans v. Evans*, 186 S.W.2d 277 (Tex. Civ. App.—San Antonio 1945, no writ)).

IV. ARGUMENT AND AUTHORITIES

The crux of Amrhein’s Motion for Continuance is that her alleged health conditions prevent her from working, so she needs an indefinite stay of this lawsuit. However, respectfully, the Court should not grant this request because (1) Amrhein’s physician states that she is able to ambulate (with a cane); (2) nothing in her purported doctor’s note³ states that she cannot litigate this case; (3) Amrhein has had no problem filing voluminous pleadings and papers with this Court and in her three other litigation matters in other courts; (4) each of Amrhein’s pleadings and papers are notarized indicating she has no trouble traveling to and accessing various notaries in Collin County; (5) each of Amrhein’s pleadings and papers are mailed to Defendants indicating she has no trouble traveling to and accessing the United States Post Office; (6) Amrhein has litigations pending in other courts and her request for a stay in one of them, as of the date of this Response, has been denied; and (7) Amrhein has not shown sufficient cause for an indefinite stay of this litigation.

³ Defendants object to the doctor’s note attached to the Motion for Continuance because it is not authenticated or otherwise admissible. See, Tex. R. Evid. 803(6) and Tex. R. Evid. 902(10). Defendants dispute the authenticity of this note.

Additionally, Defendants question the authenticity of Amrhein's verification to the "Motion for Continuance," and argue that it is not in compliance with Rule 251 because it is dated December 8, 2017, which is almost three months before the Motion for Continuance was filed and it is the same date and notary that she used in past pleadings, such as Plaintiff's "New and Additional Supplements to Consider Defendants' Motion to Dismiss," filed on or about January 18, 2018. As such, this verification does not comply with Rule 251.

A. Amrhein's Health-Related Reasons for a Continuance Are Unsupported

As a preliminary matter, Defendants are not unsympathetic to Amrhein's condition and have been willing to reasonably accommodate Amrhein's medical issue, as demonstrated by agreeing to set the Motion to Dismiss for hearing by written submission. However, none of the materials attached to Amrhein's "Motion for Continuance" sufficiently demonstrates that she requires a continuance for medical issues. And none of her alleged conditions require an *indefinite* continuance. Plaintiff's alleged doctor's note states that "she is currently ambulating with a cane." Although her daily activities have been "modified," according to this unverified note, nothing about the doctor's purported note states that Amrhein is unable to appear at the courthouse for hearings or otherwise participate in the litigation. The "doctor's note" does not state that this litigation to be continued or stayed due to these issues. Additionally, the "doctor's note" does not state that any surgeries or procedures have actually been scheduled. No doctor has stated that she cannot engage in litigation activities.

Significantly, her alleged medical conditions have not stopped Amrhein from filing voluminous pleadings ever since the case was initiated. In addition, through her pleadings, Amrhein demonstrates that she is able to travel to, access and appear at many locations in Collin

County, such as the post office in McKinney, Texas, to file her pleadings,⁴ and to the following notaries:

1. Notary Public Eugenia Serratti, 104 N Custer Rd, McKinney, TX 75071⁵ (Oct. 25, 2017),⁶
2. Notary Public Eugenia Serratti, 104 N Custer Rd, McKinney, TX 75071 (Nov. 21),⁷
3. Notary Public Malachi Hackett, 1433 Mckenzie Ct, Allen, TX 75013⁸ (Dec. 8, 2017),⁹
4. Notary Public Malachi Hackett, 1433 Mckenzie Ct, Allen, TX 75013 (Dec. 18, 2017),¹⁰
5. Notary Public Sean Loughlin, 104 N Custer Rd, McKinney, TX 75071 (Dec. 30, 2017),¹¹
6. Notary Public Sean Loughlin, 104 N Custer Rd, McKinney, TX 75071 (Jan. 10, 2018),¹²
7. Notary Public Emmanuel Velazquez, 10676 Rosebud Court, McKinney, TX 75070¹³ (Jan. 22, 2018),¹⁴
8. Notary Public Trevor Hilz, 617 Cherry Spring Dr, McKinney, TX 75070¹⁵ (Feb. 3, 2018),¹⁶

⁴ Amrhein mails all of her pleadings to Defendants. She refuses to use any form of electronic communication or use efilng/eservice.

⁵ 6 miles from Amrhein's house.

⁶ Original Petition, page 14, filed on or about October 26, 2017.

⁷ Amended Petition, page 63, Motion for Leave to file Amended Petition, page 3, and Motion to Recuse Judge Walker, page 3, filed on or about November 27, 2017.

⁸ 7.1 miles from Amrhein's house. The courthouse is 7.9 miles from Amrhein's house.

⁹ Defendants question the authenticity of the verifications, dated December 8, 2017. At least two verifications signed by Malachi Hackett on this date are used in pleadings filed in January and now March 2018. First, a verification dated December 8, 2017, is attached to "Plaintiff's New and Additional Supplements for Submission etc." filed on or about January 18, 2018. Second, a verification dated December 8, 2017, is attached to Plaintiff's pending Motion for Continuance, page 8. As such, Defendants question the authenticity of Amrhein's verifications. Defendants note that the signatures and dates appear identical.

¹⁰ Motion for Continuance, page 2, filed on or about December 29, 2017.

¹¹ Response to Rule 91a Motion to Dismiss, page 12, filed on or about January 2, 2018.

¹² "Plaintiffs Notice to the Court," page 3, filed on or about January 10, 2018.

¹³ 3 miles from Amrhein's house.

¹⁴ "Plaintiff's Waiving Client-Attorney Privilege," page 49, filed on or about January 22, 2018.

¹⁵ 3.5 miles from Amrhein's house

¹⁶ Verifications dated February 3, 2018, are attached to (1) "Plaintiff's Second Motion for Stay and Continuance," page 8, filed on or about February 6, 2018; (2) "Plaintiff's Response to the Order," page 50, filed on or about February 6, 2018, (3) "Plaintiff's Motion for Recusal of Judge Dan Wilson," page 5, filed on or about Feb. 12, 2018, and (4) "Plaintiff's Notice to this Court for Important Information," page 3, filed on or about February 15, 2018. As such, Defendants question the authenticity of this verification on the two latter motions because it has the same date as the pleading filed on February 6, 2018.

9. Notary Public Trevor Hiltz, 617 Cherry Spring Dr, McKinney, TX 75070 (Feb. 12),¹⁷ and
10. Notary Public Malachi Hackett, 1433 McKenzie Ct, Allen, TX 75013 (Feb. 14, 2018).¹⁸¹⁹

Although Amrhein appears to argue that she cannot litigate this case because she is physically unable to and has stated in past pleadings that she is too sick to confer²⁰ or physically unable to attend a hearing in person, she is able to travel to these locations, at least, and file multiple and voluminous pleadings. Thus, she is able to continue prosecuting this case and there is no indication from any authenticated or verified source that she is not.

B. Amrhein Continues to Prosecute Her Other Pending Cases

Amrhein is currently litigating three other matters in addition to this case. Although she recently asked for continuances/stays in her other cases for the same reasons as she claims herein, *her requests have either been denied or not been granted thus far.*²¹ And, as set out below, Amrhein was able to litigate those cases in the U.S. Court of Appeals for the Fifth Circuit and U.S. District Court for the Eastern District of Texas through December, January, and February despite her claimed medical condition.

One of those cases is *Balistreri-Amrhein v. Jeffrey Wall, et al.*, No. 17-40880, which is pending at the U.S. Court of Appeals for the Fifth Circuit.²² Amrhein has made the following recent filings in that matter:

¹⁷ Plaintiff's Amended Petition, page 74, and "Timely Notices", page 26, filed on or about February 13, 2018.

¹⁸ Plaintiff's Affidavit, page 5; "Plaintiff's Objections & Responses to Defendants' Motion for an Order Determining Plaintiff to be a Vexatious Litigant and Requesting Security," page 116; and "Notice to the Court for Important Information," page 5, filed on or about February 15, 2018.

¹⁹ See the Notary Public Search, located at <https://direct.sos.state.tx.us/notaries/NotarySearch.asp>.

²⁰ Respectfully, Amrhein has an email address and a phone – both of which she could use to confer. She is not too sick to draft pages and pages of pleadings. Thus, she is not too sick to email or use the phone for the purpose of conferencing.

²¹ See *Balistreri-Amrhein v. Jeffrey Wall, et al.*, No. 17-40880 (5th Cir. 2018); *Amrhein v. Prosperity Bank*, Cause No. 4:18-cv-18 (E.D. Tex. 2018); *Amrhein v. USA, et al.*, Cause No. 17-41017 (5th Cir. 2018); docket sheets attached as Exhibit A.

²² See attached docket sheet for *Balistreri-Amrhein v. Jeffrey Wall, et al.*, No. 17-40880 (5th Cir. 2018).

- On December 19, 2017, Amrhein filed a motion to file a brief in excess of the page limits, which was denied.
- On January 3, 2018, Amrhein filed another motion to file in excess of the page limits, which was deficient.
- On January 24, 2018, Amrhein filed a motion for reconsideration of the December order denying her request to file in excess of the page limits.
- On February 5, 2018, Amrhein filed a Motion for Stay and Continuance of the appeal, alleging medical conditions and procedures preventing her from participating in the litigation.
- On February 12, 2018, **the Clerk denied her request to stay further proceedings.**
- On February 15, 2018, Amrhein filed a motion for reconsideration of the clerk order denying her request to continue/stay the litigation.
- **On March 1, 2018, the Court issued an Order denying her motion to stay the case.** The Court also ordered Amrhein to correct the deficiencies in her motion to recuse judges within 14 days. Thus, Amrhein has an upcoming filing deadline in this case.

The second case is *Amrhein v. Prosperity Bank*, Cause No. 4:18-cv-18, and it is pending at U.S. District Court for the Eastern District of Texas.²³ Amrhein has made the following recent filings in *Prosperity Bank*:

- On December 14, 2017, Plaintiff filed a Notice of Conflict of Interest with Judge Jill Willis in Collin County District Court (14 pages). Then, this case was removed to federal court on January 8, 2018, from the 199th Judicial District Court of Texas.

²³ See attached docket sheet for *Amrhein v. Prosperity Bank*, Cause No. 4:18-cv-18.

- On January 16, 2018, Amrhein filed a Notice (10 pages).
- On January 17, 2018, Amrhein filed a Motion to Remand (63 pages), and a Reply to Defendants' response on January 25, 2018.
- On February 5, 2018, Amrhein filed a Second Motion for Stay and Continuance.²⁴
- On February 15, 2018, Plaintiff filed a Notice to the Court for Important Information.
- On February 21, 2018, Amrhein filed objections and Rule 26(f) report and a Motion to Electronic file all Court Documents (33 pages).
- On March 5, 2018, the Court reset a conference, which was to take place on February 28, 2018, to take place March 19, 2018. Thus, Amrhein has an upcoming hearing in this case.
- On March 5, 2018, Amrhein filed the same motion for continuance / documents at issue here before the court in that case. Her request has not yet been ruled on.

The third case is *Amrhein v. USA, et al.*, Cause No. 17-41017, pending at the U.S. Court of Appeals for the Fifth Circuit.²⁵ Amrhein made the following filings in the *USA* case:

- On December 26, 2017, Amrhein filed a Motion to file her brief in excess of the page limits because her brief was 77 pages long and her record excerpts were 296 pages long. The clerk initially denied her request.
- Amrhein filed a Motion for Reconsideration on January 24, 2018, which was granted.

²⁴ Her first motion for continuance in this case was filed in state court on January 18, 2018, after the Notice of Removal was filed. Thus, it was not ruled on.

²⁵ See attached docket sheet for *Amrhein v. USA, et al.*, Cause No. 17-41017.

- Amrhein filed a Motion to Stay her appeal on February 5, 2018, and a Memorandum in Support on February 15, 2018. The Fifth Circuit has not yet ruled on her motion.

Amrhein's ability to litigate in those matters and the Fifth Circuit's denial of her request for a continuance or stay negates her claimed need for a stay or continuance in this case.

V. CONCLUSION AND PRAYER

If Amrhein no longer wishes to prosecute her case for any reason, the proper procedure is to voluntarily dismiss her lawsuit. Granting an indefinite stay allows her frivolous allegations—much like the sword of Damocles—to hang over Defendants heads until *she* decides to prosecute the case. It appears to Defendants that Amrhein's arguments regarding her alleged medical condition are nothing more than a tactic to avoid the hearing on the Motion to Declare Plaintiff a Vexatious Litigant. The Court must not let this case remain pending unnecessarily or indefinitely.

For the above reasons, Defendants respectfully request that Plaintiff's Motion for Continuance be denied. Defendants request further relief to which they may be justly entitled.

Respectfully submitted,

By: /s/ Carrie J. Phaneuf
CARRIE JOHNSON PHANEUF
Texas Bar No. 24003790
cphaneuf@cobbmartinez.com
JENNIFER SMILEY
Texas Bar No. 24082004
jsmiley@cobbmartinez.com

COBB MARTINEZ WOODWARD PLLC
1700 Pacific Avenue, Suite 3100
Dallas, Texas 75201
Phone: 214.220.5201; Facsimile: 214.220.5251
ATTORNEYS FOR LENNIE F. BOLLINGER
AND WORMINGTON & BOLLINGER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to Darlene Amrhein, *pro se*, by via electronic service through FileTime, e-mail, and priority mail on the 7th day of March 2018.

Darlene Amrhein
112 Winsley Circle
McKinney, Texas 75071
Winsley112@yahoo.com

/s/ Carrie Johnson Phaneuf
CARRIE PHANEUF

EXHIBIT A









1/16/2018

17-41017 Summary

If you view the **Full Docket** you will be charged for 2 Pages \$0.20

General Docket
United States Court of Appeals for the Fifth Circuit

Court of Appeals Docket #: 17-41017 Nature of Suit: 2440 Other Civil Rights Darlene Amrhein v. USA, et al Appeal From: Eastern District of Texas, Sherman Fee Status: IFP pending 5CCA	Docketed: 10/05/2017
Case Type Information: 1) Civil Rights 2) United States 3)	
Originating Court Information: District: 0540-4 : 4:16-CV-223 Originating Judge: Amos L. Mazzant, U.S. District Judge Date Filed: 03/31/2016 Date NOA Filed: 10/03/2017	Date Rec'd COA: 10/04/2017

11/03/2017		MOTION filed by Appellant Ms. Darlene C. Amrhein to proceed in forma pauperis [8632485-2] Fee deadline canceled. Date of service: 11/01/2017 Document is insufficient for the following reasons: The motion does not include a certificate of compliance Sufficient Mtn/Resp/Reply due on 11/16/2017 for Appellant Darlene C. Amrhein [17-41017] (DMS)
11/03/2017		AFFIDAVIT OF FINANCIAL STATUS filed by Appellant Ms. Darlene C. Amrhein in support of the motion to proceed IFP filed by Appellant Ms. Darlene C. Amrhein in 17-41017 [8632485-2]. [17-41017] (DMS)
11/07/2017		COURT ORDER denying motion to recuse all judges, filed by Appellant Ms. Darlene C. Amrhein [8626214-2]; denying motion to transfer appeal filed by Appellant Ms. Darlene C. Amrhein [8626214-4]; denying motion to remand case filed by Appellant Ms. Darlene C. Amrhein [8626214-3]; denying motion to file motion in excess of the word count limitations filed by Appellant Ms. Darlene C. Amrhein [8626214-5] Judge(s): WED, EBC and PRO. [17-41017] (Jd)
11/17/2017		The motion to proceed IFP filed by Appellant Ms. Darlene C. Amrhein in 17-41017 [8632485-2] has been made sufficient. Sufficient Mtn/Resp/Rpl deadline satisfied. [17-41017] (DMS)
11/20/2017		BRIEFING NOTICE ISSUED A/Pet's Brief Due on 01/02/2018 for Appellant Darlene C. Amrhein. [17-41017] (DMS)
11/22/2017		DOCUMENT RECEIVED - NO ACTION TAKEN. No action will be taken at this time on the Motion received from Appellant Ms. Darlene C. Amrhein because Unnecessary [17-41017] (DMS)
12/26/2017		APPELLANT'S BRIEF FILED by Ms. Darlene C. Amrhein. Brief NOT Sufficient as it requires a complete case caption. Additionally the Brief requires removal of included Record Excerpts Index. Also, it is in excess of the page limit and word count. A/Pet's Brief deadline satisfied. Sufficient Brief due on 01/11/2018 for Appellant Darlene C. Amrhein. [17-41017] (Jd)
12/26/2017		RECORD EXCERPTS FILED by Appellant Ms. Darlene C. Amrhein. Record Excerpts NOT Sufficient as they require a complete case caption. It is also in excess of the page limit and word count. Sufficient Record Excerpts due on 01/11/2018 for Appellant Darlene C. Amrhein [17-41017] (Jd)
12/26/2017		MOTION filed by Appellant Ms. Darlene C. Amrhein to file brief and record excerpts in excess of the page limitations and word count. The Brief is 77 pages and Record Excerpts are 296 pages. [8672044-2], [8672044-3], [8672044-4]. [17-41017] (DMS)
01/04/2018		CLERK ORDER denying Motion to file record excerpts in excess pages filed by Appellant Ms. Darlene C. Amrhein [8672044-4]; denying Motion to file brief in excess of word count filed by Appellant Ms. Darlene C. Amrhein [8672044-3]; denying Motion to file brief in excess pages filed by Appellant Ms. Darlene C. Amrhein [8672044-2] [17-41017] (DMS)

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5th Circuit - Appellate - 01/16/2018 13:06:17			
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Description:	Case Summary	Search Criteria:	17-41017
Billable Pages:	1	Cost:	0.10

**U.S. District Court [LIVE]
Eastern District of TEXAS (Sherman)
CIVIL DOCKET FOR CASE #: 4:18-cv-00018-ALM-CAN**

Amrhein v. Prosperity Bank et al
Assigned to: District Judge Amos L. Mazzant, III
Referred to: Magistrate Judge Christine A. Nowak
Case in other court: 199th Judicial District Court of Collin
County, TX, 199-05352-2016
Cause: 42:2000 Job Discrimination (Age)

Date Filed: 01/08/2018
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Darlene C. Amrhein

represented by **Darlene C. Amrhein**
112 Winsley Circle
McKinney, TX 75071
PRO SE

V.

Defendant

Prosperity Bank

represented by **Robert John Grubb , II**
Muskat, Mahony & Devine LLP
1201 Louisiana, Suite 850
Houston, TX 77002
713-495-2315
Fax: 713-987-7854
Email: jgrubb@m2dlaw.com
ATTORNEY TO BE NOTICED

Mary Michelle Mahony
Muskat, Mahony & Devine LLP
1201 Louisiana, Suite 850
Houston, TX 77002
713-987-7849
Fax: 713-987-7854
Email: mmahony@m2dlaw.com
ATTORNEY TO BE NOTICED

Defendant

Jo'el Elony

Defendant

Keena Clifton

represented by **Robert John Grubb , II**
(See above for address)
ATTORNEY TO BE NOTICED

Mary Michelle Mahony
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Naomi Thames

Date Filed	#	Docket Text
01/08/2018	<u>1</u>	NOTICE OF REMOVAL by Keena Clifton, Prosperity Bank from 199th Judicial District Court of Collin County, TX, case number 199-05352-2016. (Filing fee \$ 400 receipt number 0540-6612215), filed by Keena Clifton, Prosperity Bank. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S, # <u>20</u> Exhibit T, # <u>21</u> Exhibit U, # <u>22</u> Civil Cover Sheet)(Mahony, Mary) (Entered: 01/08/2018)
01/08/2018	<u>2</u>	CORPORATE DISCLOSURE STATEMENT filed by Keena Clifton, Prosperity Bank (Mahony, Mary) (Entered: 01/08/2018)
01/08/2018	<u>3</u>	***DEFICIENT. TO BE REFILED. PLEASE IGNORE*** NOTICE of Attorney Appearance by Mary Michelle Mahony on behalf of Keena Clifton, Prosperity Bank (Mahony, Mary) Modified on 1/9/2018 (rpc,). (Entered: 01/08/2018)
01/08/2018		Case Assigned to District Judge Amos L. Mazzant, III and Magistrate Judge Christine A. Nowak. (rpc,) (Entered: 01/09/2018)
01/09/2018		NOTICE of Deficiency regarding the NOTICE of Attorney Appearance <u>3</u> submitted by Keena Clifton, Prosperity Bank. Attorney pending admission to Eastern District of Texas. Will refile when admitted. (rpc,) (Entered: 01/09/2018)
01/09/2018	<u>4</u>	Additional Attachments to Main Document: <u>1</u> Notice of Removal,... (Attachments: # <u>1</u> Exhibit B - List of Parties in Case, # <u>2</u> Exhibit C - List of Counsel of Record, # <u>3</u> Exhibit D - Record of Parties Requesting Trial by Jury, # <u>4</u> Exhibit E - State Court Information, # <u>5</u> Exhibit F - State Action Docket Sheet, # <u>6</u> Exhibit G - Plaintiff's Original Petition, # <u>7</u> Exhibit H - Defendants' Original Answer, # <u>8</u> Exhibit I - Order of Referral to Mediation, # <u>9</u> Exhibit J - Agreed Order Appointing Mediator, # <u>10</u> Exhibit K - Plaintiff's First Amended Petition, # <u>11</u> Exhibit L - Order Granting Motion to Withdraw as Counsel, # <u>12</u> Exhibit M - Order of Recusal (417th District Court), # <u>13</u> Exhibit N - Order Transferring Case to 429th District Court, # <u>14</u> Exhibit O - Order of Recusal (429th District Court), # <u>15</u> Exhibit P - Order Transferring Case to 469th District Court, # <u>16</u> Exhibit Q - Plaintiff's Response to Motion for Summary Judgment,

		# <u>17</u> Exhibit R - Order Vacating Transfer to 469th District Court, # <u>18</u> Exhibit S - Order Transferring Case to 199th District Court, # <u>19</u> Exhibit T - Citation Served on Defendant Prosperity Bank, # <u>20</u> Exhibit U - Citation Served on Defendant Keena Clifton, # <u>21</u> Civil Cover Sheet)(Mahony, Mary) (Entered: 01/09/2018)
01/09/2018		In accordance with the provisions of 28 USC Section 636(c), you are hereby notified that a U.S. Magistrate Judge of this district court is available to conduct any or all proceedings in this case including a jury or non-jury trial and to order the entry of a final judgment. The form <u>Consent to Proceed Before Magistrate Judge</u> is available on our website. All signed consent forms, excluding pro se parties, should be filed electronically using the event <i>Notice Regarding Consent to Proceed Before Magistrate Judge</i> . (rpc,) (Entered: 01/09/2018)
01/09/2018	<u>5</u>	***ORIGINALLY FILED IN STATE COURT*** COMPLAINT against All Defendants, filed by Darlene C. Amrhein.(rpc,) (Entered: 01/09/2018)
01/09/2018	<u>6</u>	***ORIGINALLY FILED IN STATE COURT*** ANSWER to <u>5</u> Complaint by Keena Clifton, Prosperity Bank.(rpc,) (Entered: 01/09/2018)
01/09/2018	<u>7</u>	***ORIGINALLY FILED IN STATE COURT*** FIRST AMENDED COMPLAINT against All Defendants, filed by Darlene C. Amrhein.(rpc,) (Entered: 01/09/2018)
01/09/2018	<u>8</u>	NOTICE of Attorney Appearance by Robert John Grubb, II on behalf of Keena Clifton, Prosperity Bank (Grubb, Robert) (Entered: 01/09/2018)
01/09/2018	<u>9</u>	ORDER AND ADVISORY. Plaintiff's amended complaint is due thirty (30) days from the date of this order. Defendant's amended answer is due twenty (20) days from receipt of the amended complaint. Any prior deadline for Defendant's answer shall be extended to the date set by this order. Signed by Magistrate Judge Christine A. Nowak on 1/9/2018. (rpc,) (Entered: 01/09/2018)
01/09/2018	<u>10</u>	ORDER GOVERNING PROCEEDINGS. Rule 26 Meeting Report due by 2/13/2018. Rule 16 Management Conference set for 2/28/2018 02:00 PM in Ctrm A01 (Sherman - Annex) before Magistrate Judge Christine A. Nowak. Signed by Magistrate Judge Christine A. Nowak on 1/9/2018. (rpc,) (Entered: 01/09/2018)
01/16/2018	<u>12</u>	NOTICE by Darlene C. Amrhein (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Envelope(s))(daj,) (Entered: 01/17/2018)
01/17/2018	<u>11</u>	MOTION to Remand this lawsuit back to the 199th District Court of Texas by Darlene C. Amrhein. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Envelope(s))(daj,) (Entered: 01/17/2018)
01/19/2018	<u>13</u>	Additional Attachments to Main Document: <u>4</u> Additional Attachments to Main Document,,,,,,. (Attachments: # <u>1</u> Exhibit A - Certified State Action Docket Sheet)(Mahony, Mary) (Entered: 01/19/2018)
01/23/2018	<u>14</u>	RESPONSE to Motion re <u>11</u> MOTION to Remand filed by Keena Clifton, Prosperity Bank. (Attachments:

		# <u>1</u> Proposed Order Denying Motion to Remand, # <u>2</u> Proposed Order Denying Request to Stay)(Mahony, Mary) (Entered: 01/23/2018)
01/25/2018	<u>15</u>	Plaintiff's REPLY to <u>14</u> Response to <u>11</u> Motion to Remand and Response to Plaintiff's Request to Stay & Continuance filed by Darlene C. Amrhein. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Affidavit, # <u>10</u> Envelope(s)) (daj,) (Entered: 01/25/2018)
01/29/2018	<u>16</u>	SUR-REPLY to Reply to Response to Motion re <u>11</u> MOTION to Remand filed by Keena Clifton, Prosperity Bank. (Mahony, Mary) (Entered: 01/29/2018)
02/05/2018	<u>17</u>	Plaintiff's Second MOTION for Stay and Continuance of this Lawsuit for Good Cause Reasons, by Darlene C. Amrhein. (Attachments: # <u>1</u> Supplement, # <u>2</u> Envelope(s))(kls,) (Entered: 02/08/2018)
02/12/2018	<u>18</u>	NOTICE of Discovery Disclosure by Keena Clifton, Prosperity Bank (Mahony, Mary) (Entered: 02/12/2018)
02/13/2018	<u>19</u>	RESPONSE to Motion re <u>17</u> MOTION to Continue filed by Keena Clifton, Prosperity Bank. (Attachments: # <u>1</u> Proposed Order)(Mahony, Mary) (Entered: 02/13/2018)
02/13/2018	<u>20</u>	REPORT of Rule 26(f) Planning Meeting. (Mahony, Mary) (Entered: 02/13/2018)
02/15/2018	<u>21</u>	Mail Returned as Undeliverable. Orders <u>9</u> and <u>10</u> sent to Darlene C. Amrhein returned marked "RETURN TO SENDER - UNCLAIMED - UNABLE TO FORWARD" (rpc,) (Entered: 02/15/2018)
02/15/2018	<u>22</u>	Plaintiff's NOTICE to this Court for Important Information by Darlene C. Amrhein (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Envelope(s))(daj,) (Entered: 02/16/2018)
02/21/2018	<u>23</u>	Plaintiff's Rule 26(f) Conference Report & Objections. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Envelope(s)) ***Document submitted at Plano clerk's office on 2-21-18 and not received in Sherman office for filing until 2-26-18*** (daj,) (Entered: 02/26/2018)
02/21/2018	<u>24</u>	Plaintiff's MOTION to Electronic File all court documents & consideration of Plaintiff's Responses to Rule 26(f) by Darlene C. Amrhein. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) *** Document submitted at Plano clerk's office on 2-21-18 and not received in Sherman office for filing until 2-26-18*** (daj,) (Entered: 02/26/2018)
03/05/2018		Rule 16 management conference set for 2/28/2018 2:00 PM CANCELED (due to no electricity), Rule 16 management conference will be RESET. (kls,) (Entered: 03/05/2018)
03/05/2018	<u>25</u>	ORDERED that the Rule 16 management conference is rescheduled for Monday, March 19, 2018, at 3:30 p.m. at the United States Courthouse Annex, 200 N. Travis Street, Sherman, Texas before Magistrate Judge Christine A. Nowak. Signed by Magistrate Judge Christine A. Nowak on 3/5/2018. (daj,) (Entered: 03/05/2018)

3/6/2018

CM/ECF LIVE - U.S. District Court:txed

03/05/2018	26	NOTICE - PLAINTIFF'S UPDATED MEDICAL INFORMATION FOR "NO WORK" IN PREPARATION FOR SURGERY DUE TO MY HEALTH CONDITION & ADA FEDERAL LAW AS REQUIRED by Darlene C. Amrhein (Attachments: # 1 Envelope(s))(daj,) (Entered: 03/05/2018)
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03/06/2018 14:37:31			
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Billable Pages:	4	Cost:	0.40










3/6/2018

17-41017 Summary

If you view the **Full Docket** you will be charged for 3 Pages \$0.30

General Docket
United States Court of Appeals for the Fifth Circuit

Court of Appeals Docket #: 17-41017 Nature of Suit: 2440 Other Civil Rights Darlene Amrhein v. USA, et al Appeal From: Eastern District of Texas, Sherman Fee Status: IFP pending 5CCA	Docketed: 10/05/2017
Case Type Information: 1) Civil Rights 2) United States 3)	
Originating Court Information: District: 0540-4 : <u>4:16-CV-223</u> Originating Judge: Amos L. Mazzant, U.S. District Judge Date Filed: 03/31/2016 Date NOA Filed: 10/03/2017	Date Rec'd COA: 10/04/2017

11/22/2017		DOCUMENT RECEIVED - NO ACTION TAKEN. No action will be taken at this time on the Motion received from Appellant Ms. Darlene C. Amrhein because Unnecessary [17-41017] (DMS)
12/26/2017		APPELLANT'S BRIEF FILED by Ms. Darlene C. Amrhein. Brief NOT Sufficient as it requires a complete case caption. Additionally the Brief requires removal of included Record Excerpts Index. Also, it is in excess of the page limit and word count. A/Pet's Brief deadline satisfied. Sufficient Brief due on 01/11/2018 for Appellant Darlene C. Amrhein. [17-41017] (Jd)
12/26/2017		RECORD EXCERPTS FILED by Appellant Ms. Darlene C. Amrhein. Record Excerpts NOT Sufficient as they require a complete case caption. It is also in excess of the page limit and word count. Sufficient Record Excerpts due on 01/11/2018 for Appellant Darlene C. Amrhein [17-41017] (Jd)
12/26/2017		MOTION filed by Appellant Ms. Darlene C. Amrhein to file brief and record excerpts in excess of the page limitations and word count. The Brief is 77 pages and Record Excerpts are 296 pages. [8672044-2], [8672044-3], [8672044-4]. [17-41017] (DMS)
01/04/2018		CLERK ORDER denying Motion to file record excerpts in excess pages filed by Appellant Ms. Darlene C. Amrhein [8672044-4]; denying Motion to file brief in excess of word count filed by Appellant Ms. Darlene C. Amrhein [8672044-3]; denying Motion to file brief in excess pages filed by Appellant Ms. Darlene C. Amrhein [8672044-2] [17-41017] (DMS)
01/24/2018		MOTION filed by Appellant Ms. Darlene C. Amrhein for reconsideration of the 01/04/2018 clerk order denying Motion to file brief in excess pages filed by Appellant Ms. Darlene C. Amrhein in 17-41017 [8672044-2], Motion to file brief in excess of word count filed by Appellant Ms. Darlene C. Amrhein in 17-41017 [8672044-3], Motion to file record excerpts in excess pages filed by Appellant Ms. Darlene C. Amrhein in 17-41017 [8672044-4] [8688805-2]. Date of service: 01/16/2018 [17-41017] (DMS)
01/26/2018		CLERK ORDER granting appellant's motion for reconsideration for the Court subject to possible reconsideration by the merits panel at a later date for reconsideration of the Clerk's order of 1/4/2018, denying appellant's motion to file brief and record excerpts in excess pages and to file brief in excess of the word count [8672044-2]; [8672044-3]; [8672044-4]; [8672044-2] [8672044-3] [8672044-4] [17-41017] (DMS)
01/26/2018		CLERK ORDER to file brief in its present form [8689451-2] Sufficient Brief deadline satisfied; to file record excerpts in their present form [8689451-2] Sufficient Record Excerpts deadline satisfied [17-41017] (DMS)
02/05/2018		MOTION filed by Appellant Ms. Darlene C. Amrhein for stay and continuance in this court. Reason: "good cause" reasons. [17-41017] (DMS)
02/15/2018		MEMO IN SUPPORT of Motion to stay further proceedings in this court [8699941-2] filed by Appellant Ms. Darlene C. Amrhein [17-41017] (DMS)

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5th Circuit - Appellate - 03/06/2018 14:53:28			
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FILED
COUNTY COURT AT LAW

MAR 12 2018 @ 11:15 AM

STACEY KEMP COUNTY CLERK
BY [Signature] COLLIN COUNTY TEXAS DEPUTY

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al

COUNTY COURT AT LAW

Plaintiffs,

V.

NO. SIX (6) JUDGE BENDER

ATTORNEY LENNIE F. BOLLINGER, AND

WORMINGTON & BOLLINGER LAW FIRM COLLIN COUNTY, TEXAS

Defendants, et al

**PLAINTIFF'S UPDATED MEDICAL INFORMATION, DEMAND FOR
CONTINUANCE & STAY TO STOP ALL HARASSMENTS &
VIOLATIONS OF AMERICANS WITH DISABILITIES ACT, ADA
TEXAS & FEDERAL LAWS FOR "GOOD CAUSE" REASONS &
OBJECTIONS**

COMES NOW, Plaintiff, Darlene C. Amrhein to file Plaintiff's Updated Medical Information, Demand for Continuance & Stay To STOP All Harassments & Violations of American With Disabilities Act / Texas & Federal Laws for "Good Cause " Reasons & Objections as follows:

- 1) When did Defendants, their attorneys or anyone become licensed medical doctors to prescribe Plaintiff's medications, 2 surgeries & any medical care plans?
- 2) Cobb, Martinez, Woodland & Phanuef continue to mislead this Court by false statements (lies) as they do not have a clue as to what is happening in Plaintiff's life in anyway as they try to get their clients off on illegal acts & laws violated;
- 3) Plaintiff has not asked for any unending court schedule in this lawsuit due to "serious medical health conditions" as these parties & attorneys continue to mislead & lie to this court for harassments knowingly with filed multiple medical updates, doctors' notes by their false statements of Plaintiff's life & medical care;
- 4) Plaintiff has no intentions of withdrawing this lawsuit for these above named Defendants & Attorneys for all charges as accessories to crimes committed against, which are in "current process & investigations by the proper authorities;"
- 5) It appears Plaintiff's privacy is being violated, along with interference of medical care by Collin County, Attorneys, Courts & all participants so attorneys are necessary to protect interests & Constitutional Rights, which is appealable as a

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matter of law from all Texas Courts, Circuit Court of Appeals & United States Supreme Court with years of litigation as we continue;

6) All these named participants in this lawsuit or any other lawsuit are not licensed medical physicians, have received more medical information against HIPPA Laws & yet continues to falsely claim & interfere in Plaintiff's medical care, treatment plan, medical work ups, clearances & requirements prior to Plaintiff's scheduled surgeries with intent to put Plaintiff at risk for death;

7) Bill Bilyeu, Collin County Administrator, Collin County Administration Building, 2300 Bloomdale Rd., Suite 4192, McKinney, TX 75071 & First Regional Administrative Judge Mary Murphy, 133 Riverfront Blvd. LB # 50, Dallas, Texas 75201 are all responsible for Collin County Administration, Judges & Courthouse for their actions within this lawsuit;

8) These participants have no right to dictate anything about Plaintiff's medical care & life or any matters in any other courts again as to no knowledge as to what are facts to mislead this court as to what is valid evidence of anything, so Cease And Desist Demand has been faxed & mailed or suffer the consequences of going public within the media / press & deal with another lawsuit & attorneys fees;

9) Plaintiff first surgery has been scheduled along with many medical clearances from 5 or 6 other physicians before this April surgery, which fraudulent Attorney Phanuef lied about in this false court filings in this lawsuit Fraud Upon Court;

10) As far as Defendants other false statements in other courts it's irrelevant & meant to create a bias to mislead this Court to prejudice this lawsuit;

11) Stay is act of temporarily stopping judicial proceeding through Order of Court;

12) Plaintiff had no way of knowing of 2 needed emergency back surgeries, etc. ;

13) Court may stay a proceeding for a number of reasons. One common reason is that another action is under way that may affect the case or the rights of the parties as in this lawsuit, which is the case of "indispensable party Plaintiff Darlene C. Balistreri-Amrhein, because anything less is "prejudicial to Plaintiff & this suit;"

14) Plaintiff cut & paste medical condition for all courts that did not require participation & not applicable is a "false claim by Attorneys to mislead this court;"

15) With family, can't receive any mail or notices as under current medical care.

Darlene C. Balistreri-Amrhein, Plaintiff Pro Se

(Exhibits A, B)
& C)

Darlene C. Balistreri-Amrhein

3/8/2018

VERIFICATION / AFFIDAVIT

NO. 006-02654-2017

005-02654-2017

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff, Darlene C. Amrhein, who swore in her capacity & individually on her sworn oath, deposed and said she prepared and signed

Plaintiff's Updated Medical Information Demand for Continuance & Stop All Harassment & Violations etc

This information as referenced and stated within is true and correct and of Darlene C. Amrhein's own personal knowledge to best of her ability & documented. This state and or federal filing is for purpose of "due process," fairness, Justice under State and Federal Laws & presented in applicable Court attached as sited for this Court filing.

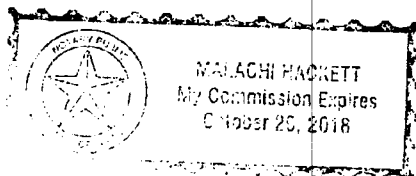
Darlene C. Balistreri-Amrhein

Darlene C. Balistreri Amrhein, Plaintiff, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON 2-14, 2018 to

Certify which witness my hand and official seal.

SEAL:



Commission Expires 10-29-2018

Malachi Hackett

Notary Public of Texas (Printed Name)

Malachi Hackett

Notary Public of Texas (Signature)



February 23, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

Ms. Darlene Amrhein is a 71yr old female who was evaluated on 1/26/18 secondary to cervical and lumbar related diagnoses: M47.12 cervical myelopathy, M99.31 osseous stenosis of neural canal of cervical region, M43.16 lumbar spondylolisthesis, and M99.33 osseous stenosis of neural canal of lumbar region. These diagnoses do require surgical intervention as they are currently affecting bodily function with complaints of urinary incontinence and retention, in addition to increasing difficulty with gait and coordination which can pose a threat for somebody with a diagnosis of cervical myelopathy. Pt has had to modify her daily activities; she is currently ambulating with a cane. First, I would address her cervical myelopathy with a posterior spinal fusion from C3-4 with laminectomy; this surgery is medically necessary in order to correct the level of severe cervical stenosis while providing vertebral stability. Then, I'd need to address her lumbar issues with an open 360 L4-S1. Her total post op disability time will be approximately 6 months post-operatively. Routine follow ups will be necessary in order for us to evaluate her return to work status closer to that 6 month post-op marker. Pt did require urgent work up as her symptoms have definitely deteriorated. Currently, pt is to remain off work as she cannot complete her usual work duties secondary to the severity of her cervical and lumbar pathology; pt is to remain off work in light of the fact that we are preparing for surgical intervention and continued work could exacerbate her pain and lead towards further deterioration. Please keep pt off of work. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,

Rajesh G. Arakal, M.D.



February 6, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

Ms. Darlene Amrhein is a 71yr old female who was evaluated on 1/26/18 secondary to cervical and lumbar related diagnoses: M47.12 cervical myelopathy, M99.31 osseous stenosis of neural canal of cervical region, M43.16 lumbar spondylolisthesis, and M99.33 osseous stenosis of neural canal of lumbar region. These diagnoses do require surgical intervention as they are currently affecting bodily function with complaints of urinary incontinence and retention, in addition to increasing difficulty with gait and coordination which can pose a threat for somebody with a diagnosis of cervical myelopathy. Pt has had to modify her daily activities; she is currently ambulating with a cane. First, I would address her cervical myelopathy with a posterior spinal fusion from C3-4 with laminectomy; this surgery is medically necessary in order to correct the level of severe cervical stenosis while providing vertebral stability. Then, I'd need to address her lumbar issues with an open 360 L4-S1. Her total post op disability time will be approximately 6 months post-operatively. Routine follow ups will be necessary in order for us to evaluate her return to work status closer to that 6 month post-op marker. Pt did require urgent work up as her symptoms have definitely deteriorated. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,

Rajesh G. Arakal, M.D.

certified 70173380 0001
00250452
Judge Mary Murphy

Darlene C. Balistreri-Amrhein
112 Winsley Circle
McKinney, Texas 75071

March 08, 2018

County Court at Law # 6, # 5 and et al
2100 Bloomdale Road #30354
McKinney, Texas 75071

RE: CEASE AND DESIST DEMAND

County Court at Law # 6, # 5 and all named et al :
This letter is in regards to your following activities:

All Collin County Courts at Law 5 & 6, Attorneys, Cobb, Martinez, Woodland, Phanuef Counsels, 1700 Pacific Ave. #3100, Dallas, TX. 75201, Defendants Attorney Lennie Bollinger & Wormington & Bollinger Law Firm, Maria Wormington, Lennie Bollinger, Ed Krieger, David Benford 212 East Virginia Street, McKinney, TX. 75069, Frank Crowley Courts Building 133 N. Riverfront Blvd., LB#50, 5th Floor (Behind Auxiliary Court #9) Dallas, TX 75202, Attorneys Lennie Bollinger, Maria Wormington, David Benford, Ed Krieger at Wormington & Bollinger Law Firm, 212 East Virginia St. 75069, Collin County ADA Compliance Officer Bill Bilyue & Tim Wyatt 2300 Bloomdale Road, # 4192, McKinney TX 75071 & First Regional Administrator Judge Mary Murphy at Frank Crowley Courts Building 133 N. Riverfront Blvd., LB#50, 5th Floor (Behind Auxiliary Court #9), Dallas, TX 75202, Collin County Judge Dan Wilson & Judge Jay Bender at 2100 Bloomdale Road, McKinney, TX 75071 For Harassment against Darlene Balistreri_Amrhein in violation of Americans With Disabilities Act ADA to interfere with my medical health & medical treatment plan with repeated harassment in courts & continued false & misleading statements to try to dismiss a lawsuit that is justified for all illegal acts against me. Cease & Desist & Stop it Now Immediately or I will go to media / press about your actions & hire an attorney to sue you for all your actions from December 1. 2017 to the present dates 2018. Your actions have become unbearable, and these activities are in violation of my right to be free of such harassment. This letter serves as your legal notice to CEASE AND DESIST THESE ACTIVITIES IMMEDIATELY as well as any other actions that may constitute harassment or violate my legal rights. If you fail to comply with this notice, legal action will promptly be brought against you, including having law enforcement pursue criminal charges and recovering any damages I have suffered in civil court for physical and mental distress or otherwise. I am not waiving any present or future rights to pursue legal action against you. This matter is not open to any further negotiation or discussion at all, so cease & desist now.

To prevent legal action from being pursued against you, you must sign, date, and return the attached Cease and Desist Agreement to the address listed above within 3 days of receipt of this notice & mail to me certified. Your failure to sign and return this agreement will be used as evidence of your continuing violations of my legal Constitutional Rights.

Sincerely,


Darlene C. Balistreri-Amrhein (Enclosure)

Exhibit C

CEASE AND DESIST AGREEMENT

In response to the Cease and Desist Letter I received from Darlene C. Balistreri-Amrhein dated March 08, 2018, I, _____ (Print Name), agree to immediately cease and desist engaging the following activities:

All Collin County Courts at Law 5 & 6, 2100 Bloomdale Road, McKinney, TX. 75071

Attorneys, Cobb, Martinez, Woodland, Phanuef Counsels, 1700 Pacific Ave. # 3100, Dallas, TX. 75201,

Defendants Attorney Lennie Bollinger & Wormington & Bollinger Law Firm , Maria Wormington, Lennie Bollinger, Ed Krieger, David Benford 212 East Virginia Street, McKinney, TX. 75069,

Frank Crowley Courts Building 133 N. Riverfront Blvd. , LB#50, 5th Floor (Behind Auxiliary Court #9) Dallas, TX 75202,

Collin County ADA Compliance Officer Bill Bilyue & Tim Wyatt 2300 Bloomdale Road, # 4192, McKinney TX 75071;

First Regional Administrator Judge Mary Murphy at Frank Crowley Courts Building 133 N. Riverfront Blvd. , LB#50, 5th Floor (Behind Auxiliary Court #9), Dallas, TX 75202,

Collin County Judge Dan Wilson & Judge Jay Bender at 2100 Bloomdale Road, McKinney, TX 75071 & all Collin County Court & City of McKinney & all Collin Administrators .

For Harassment against Darlene Balistreri_Amrhein in violation of Americans With Disabilities Act ADA to interfere with my medical health & medical treatment plan with repeated harassment in the courts, continued false & misleading statements to try to dismiss a lawsuit that is justified for all illegal acts against me.

Cease & Desist & Stop it Now Immediately or I will go to media & press about your actions against Darlene C. Balistreri-Amrhein to go public with your illegal acts, so a continuance stay must be Ordered immediately in Case No. 006-02654-2017 & Case No. 005-02654-2017

These activities for all parties named within are in violations of Darlene C. Balistreri-Amrhein's legal Constitutional Rights, ADA & HIPPA Law as one surgery has been scheduled & multiple procedures required before this one of two scheduled surgeries.

I further agree to not take any other actions that may constitute harassment or violate Darlene C. Balistreri-Amrhein's legal rights.

If I breach this agreement, Darlene C. Balistreri-Amrhein may pursue all claims and legal remedies in existence prior to my signing this agreement, including costs and attorney's fees.

Sign: _____ Date: _____

Title: _____

2.

Exhibit C

HP OfficeJet Pro 6968 All-In-One Series

Fax Log for
Darlene Amrhein
972-547-0448
Mar 07 2018 12:40PM

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
<hr/>						
				Digital Fax		
<hr/>						
Mar 7,	12:39PM	Fax Sent	12146532957	1:25 N/A	2	OK

Exhibit C 1474

HP OfficeJet Pro 6968 All-in-One Series

Fax Log for
Darlene Amrhein
972-547-0448
Mar 07 2018 4:02PM

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
<hr/>						
				Digital Fax		
<hr/>						
Mar 7,	4:00PM	Fax Sent	12142205299	1:47 N/A	3	OK

Exhibit C

1475

HP OfficeJet Pro 6968 All-in-One Series

Fax Log for
Darlene Amrhein
972-547-0448
Mar 07 2018 4:20PM

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
<hr/>						
				Digital Fax		
<hr/>						
Mar 7,	4:18PM	Fax Sent	19725476440	1:43 N/A	4	OK

Exhibit C 1476

HP OfficeJet Pro 8968 All-in-One Series

Fax Log for
Darlene Amrhein
972-547-0448
Mar 07 2018 4:29PM

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Digital Fax						
Mar 7,	4:28PM	Fax Sent	19725484699	1:41 N/A	5	OK

Exhibit C

VERIFICATION / AFFIDAVIT

NO. 006-02654-2017 ~~005-02654-2017~~ *DA*

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff, Darlene C. Amrhein, who swore in her capacity & individually on her sworn oath, deposed and said she prepared and signed

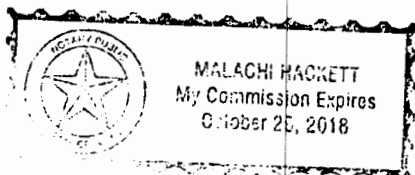
Cease And Desist Demand for Collin County Court @ Law 5 & 6 & Administration *DA*

This information as referenced and stated within is true and correct and of Darlene C. Amrhein's own personal knowledge to best of her ability & documented. This state and or federal filing is for purpose of "due process," fairness, Justice under State and Federal Laws & presented in applicable Court attached as sited for this Court filing.

Darlene C. Balistreri-Amrhein
Darlene C. Balistreri Amrhein, Plaintiff, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON 2-14, 2018 to
Certify which witness my hand and official seal.

SEAL:



Commission Expires 10-29-2018

Malachi Hackett

Notary Public of Texas (Printed Name)

Malachi Hackett

Notary Public of Texas (Signature)

Exhibit C

CERTIFICATE OF SERVICE

A true and correct copy of Plaintiff's Updated Medical Information For "No Work" In Preparation For Surgery Due To My Health Condition & ADA Federal Law As Required & Objections, ^{etc. etc.} was served by Regular Mail & Fax through the United States Post Office on or about March 8, 2018 to the following:

(Good Cause Reasons)

Collin County Courthouse

Certified # 7017 3380 000100250445

County Court at Law No. 6 Honorable Judge Jay Bender

Attn: Collin County District Clerk's Office

2100 Bloomdale Rd.

McKinney, TX 75071

First Administrative Judge Mary Murphy

Certified # 7017 3380 0001 0025 0452

Fax : (214) 653-2957

Cobb, Martinez, Woodward, PLLC

Certified # 7017 3380 0001 0025 0469

Attorney Carrie Johnson Phaneuf

1700 Pacific Avenue, Suite 3100

Dallas, TX. 75201

CERTIFICATE OF CONFERENCE

There was no conference filed & served because Plaintiff is too sick, in pain, medicated, hospital discharges, 5 physicians, insurance & anesthetist clearances.

Respectfully submitted,

Darlene C. Balistreri-Amrhein

Darlene Balistreri-Amrhein, Plaintiff, Pro Se and

Representative for Deceased Anthony J. Balistreri

3/8/18

4.

HP OfficeJet Pro 6968 All-in-One Series

Fax Log for
Darlene Amrhein
972-547-0448
Mar 07 2018 7:49PM

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
				Digital Fax		
Mar 7,	7:45PM	Fax Sent	12146532957	4:25 N/A	12	OK

Exhibit C

1481

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al,

Plaintiffs,

v.

ATTORNEY LENNIE F. BOLLINGER,
AND WORMINTON & BOLLINGER LAW
FIRM,

Defendants.

COUNTY COURT AT LAW

NO. 6

[Judge Bender]

COLLIN COUNTY, TEXAS

DEFENDANTS LENNIE F. BOLLINGER AND WOMINGTON & BOLLINGER'S
REQUEST FOR HEARING
ON MOTION FOR AN ORDER DETERMINING THAT
PLAINTIFF DARLENE AMRHEIN IS A VEXATIOUS LITIGANT

Defendants Lennie F. Bollinger and Wormington Law Group, PLLC d/b/a Wormington and Bollinger (incorrectly named as "Wormington & Bollinger Law Firm") ("Defendants") file this Request asking the Court to set for hearing "Defendants' Motion for an Order Determining that Plaintiff Darlene Amrhein is a Vexatious Litigant," filed in this matter on February 9, 2018, as follows:

I.
REQUEST FOR HEARING

1. Defendants filed their "Defendants' Motion for an Order Determining that Plaintiff Darlene Amrhein is a Vexatious Litigant," in this matter on February 9, 2018 pursuant to Section 11.051 of the Texas Civil Practice & Remedies Code ("Vexatious Litigant Motion").
2. Section 11.053(a) of the Texas Civil Practice and Remedies Code states: "[o]n receipt of a motion under Section 11.051, **the court shall, after notice to all parties, conduct a hearing to determine whether to grant the motion.**" (emphasis added).

3. Plaintiff filed objections and her response to the Vexatious Litigant Motion on February 15, 2018.
4. Plaintiff filed various other pleadings arguing that this case, including a hearing on the Vexatious Litigant Motion, should be indefinitely continued or stayed due to her alleged medical condition and need for back surgery.
5. On March 7, 2018, Defendants filed their Response in Opposition to Amrhein's request for a stay and continuance of these proceedings.¹
6. On March 9, 2018, the Court held a hearing on Plaintiff's Second Motion for Stay and Continuance. Defendants appeared in person and through counsel. Plaintiff failed to appear.

The Court made the following docket entry at the hearing:

03/09/2018 **Judge's Docket Entry**

Plaintiff failed to appear although duly noticed by the court to appear regarding her motion for continuance. The defendant appeared with counsel. The court called Dr. Arakal in an attempt to get more information at 972-608-5000 as the Court was invited to do so as stated in Exhibit A of the Plaintiff Motion for Continuance. The Court is taking the Motion for Continuance under advisement until further notice.

7. It is Defendants' understanding that Dr. Arakal has not, to date, returned the Court's phone call.
8. On March 19, 2018, Amrhein was supposed to attend at 3:30 p.m. a Rule 16 Management Conference in her lawsuit *Amrhein v. Prosperity Bank*, Case No. 4:18-cv-00018-ALM-CAN in the United States District Court for the Eastern District of Texas – Sherman ("*Prosperity Bank Matter*"). (Exhibit 1, see Minute Entry dated 3/5/18 and 3/19/18).

¹ Defendants adopt by reference, as if fully stated herein, their March 7, 2018 Response in Opposition to Plaintiff Darlene C. Amrhein's "Updated Medical Information for 'No Work' in Preparation for Surgery Due to My Health Condition & ADA Federal Law as Required, dated March 1, 2018."

9. Instead of attending the March 19, 2018 Rule 16 Conference, Amrhein filed at the same time as the hearing² an 11 page Motion and a 31 page Objection in the *Prosperity Bank* matter. (See Exhibits 2 and 3).³
10. The Magistrate Judge thereafter entered an Order to Show Cause, ordering Amrhein to appear in person on April 2, 2018, to show cause why Amrhein failed to appear at the March 19, 2018 Rule 16 conference. (Exhibits 1 and 4). The Magistrate Judge issued this Show Cause order compelling Amrhein to appear in person despite Amrhein's allegations regarding her medical condition (which are the same allegations Amrhein has made to this Court in this matter).
11. As stated in Defendants' March 7, 2018 Response in Opposition to Plaintiff's Motion for a Continuance, despite Amrhein's allegations, Amrhein continues to file voluminous pleadings in multiple court proceedings, travel to and access the court clerk's office to file same, and travel to and access the United States Post Office to mail same.
12. As stated in Defendants' March 7, 2018 Response in Opposition to Plaintiff's Motion for a Continuance, despite Amrhein's allegations, at least two other courts⁴ have now refused to grant Plaintiff a stay of her other proceedings.
13. Moreover, in the March 19, 2018 Motion and Objection Amrhein filed in the *Prosperity Bank* matter, Amrhein states⁵ that her first surgery is scheduled for ***April 26, 2018, over a month from now.*** (See Exhibit 2, Motion, p. 2 and Exhibit 3, Objection, pp. 3 and 9).

² Note that these pleadings appear to have been hand-filed at 3:26 p.m. and 3:33 p.m., respectfully, at the same time Amrhein was to be in court for the Rule 16 conference.

³ Because the pleadings are voluminous, only excerpts are attached hereto.

⁴ *Balistreri-Amrhein v. Jeffrey Wall, et al.*, No. 17-40880, which is pending at the U.S. Court of Appeals for the Fifth Circuit and the court in the *Prosperity Bank* matter.

⁵ Amrhein still has produced no medical record or doctor's note confirming that surgery is in fact scheduled for April 26, 2018, or any other date.

14. Even assuming Amrhein has surgery scheduled for April 26, 2018, which has not been confirmed by any medical professional, that fact does not preclude a hearing from taking place in this matter on Defendants' Vexatious Litigant Motion prior to April 26, 2018.
15. Because Section 11.053(a) of the Texas Civil Practice and Remedies Code requires the Court conduct a hearing on the Vexatious Litigant Motion, and because there is more than a month before Amrhein's scheduled surgery (according to Amrhein), Defendants respectfully request that the Court set the Vexatious Litigant Motion for hearing between now and April 26, 2018.

CONCLUSION AND PRAYER

For the above reasons, Defendants respectfully request that the Court set for hearing Defendants' Vexatious Litigant Motion prior to April 26, 2018. Defendants request further relief to which they may be justly entitled.

Respectfully submitted,

By: /s/ Carrie J. Phaneuf
CARRIE JOHNSON PHANEUF
Texas Bar No. 24003790
cphaneuf@cobbmartinez.com
JENNIFER SMILEY
Texas Bar No. 24082004
jsmiley@cobbmartinez.com

COBB MARTINEZ WOODWARD PLLC
1700 Pacific Avenue, Suite 3100
Dallas, Texas 75201
Phonc: 214.220.5206
Facsimile: 214.220.5256

ATTORNEYS FOR LENNIE F. BOLLINGER
AND WORMINGTON & BOLLINGER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to Darlene Amrhein, *pro se*, by via electronic service through FileTime, e-mail, and priority mail on the 20th day of March 2018.

Darlene Amrhein
112 Winsley Circle
McKinney, Texas 75071
Winsley112@yahoo.com

/s/ Carrie Johnson Phaneuf
CARRIE PHANEUF

EXHIBIT 1

JURY

**U.S. District Court [LIVE]
Eastern District of TEXAS (Sherman)
CIVIL DOCKET FOR CASE #: 4:18-cv-00018-ALM-CAN**

Amrhein v. Prosperity Bank et al
Assigned to: District Judge Amos L. Mazzant, III
Referred to: Magistrate Judge Christine A. Nowak
Case in other court: 199th Judicial District Court of Collin
County, TX, 199-05352-2016
Cause: 42:2000 Job Discrimination (Age)

Date Filed: 01/08/2018
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Darlene C. Amrhein

represented by **Darlene C. Amrhein**
112 Winsley Circle
McKinney, TX 75071
Email: winsley112@yahoo.com
PRO SE

V.

Defendant

Prosperity Bank

represented by **Robert John Grubb , II**
Muskat, Mahony & Devine LLP
1201 Louisiana, Suite 850
Houston, TX 77002
713-495-2315
Fax: 713-987-7854
Email: jgrubb@m2dlaw.com
ATTORNEY TO BE NOTICED

Mary Michelle Mahony
Muskat, Mahony & Devine LLP
1201 Louisiana, Suite 850
Houston, TX 77002
713-987-7849
Fax: 713-987-7854
Email: mmahony@m2dlaw.com
ATTORNEY TO BE NOTICED

Defendant

Jo'el Elony

Defendant

Keena Clifton

represented by

01/29/2018	<u>16</u>	SUR-REPLY to Reply to Response to Motion re <u>11</u> MOTION to Remand <i>filed by Keena Clifton, Prosperity Bank.</i> (Mahony, Mary) (Entered: 01/29/2018)
02/05/2018	<u>17</u>	Plaintiff's Second MOTION for Stay and Continuance of this Lawsuit for Good Cause Reasons, by Darlene C. Amrhein. (Attachments: # <u>1</u> Supplement, # <u>2</u> Envelope(s))(kls,) (Entered: 02/08/2018)
02/12/2018	<u>18</u>	NOTICE of Discovery Disclosure by Keena Clifton, Prosperity Bank (Mahony, Mary) (Entered: 02/12/2018)
02/13/2018	<u>19</u>	RESPONSE to Motion re <u>17</u> MOTION to Continue <i>filed by Keena Clifton, Prosperity Bank.</i> (Attachments: # <u>1</u> Proposed Order)(Mahony, Mary) (Entered: 02/13/2018)
02/13/2018	<u>20</u>	REPORT of Rule 26(f) Planning Meeting. (Mahony, Mary) (Entered: 02/13/2018)
02/15/2018	<u>21</u>	Mail Returned as Undeliverable. Orders <u>9</u> and <u>10</u> sent to Darlene C. Amrhein returned marked "RETURN TO SENDER - UNCLAIMED - UNABLE TO FORWARD" (rpc,) (Entered: 02/15/2018)
02/15/2018	<u>22</u>	Plaintiff's NOTICE to this Court for Important Information by Darlene C. Amrhein (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Envelope(s))(daj,) (Entered: 02/16/2018)
02/21/2018	<u>23</u>	Plaintiff's Rule 26(f) Conference Report & Objections. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Envelope(s)) ***Document submitted at Plano clerk's office on 2-21-18 and not received in Sherman office for filing until 2-26-18*** (daj,) (Entered: 02/26/2018)
02/21/2018	<u>24</u>	Plaintiff's MOTION to Electronic File all court documents & consideration of Plaintiff's Responses to Rule 26(f) by Darlene C. Amrhein. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) *** Document submitted at Plano clerk's office on 2-21-18 and not received in Sherman office for filing until 2-26-18*** (daj,) (Entered: 02/26/2018)
03/05/2018		Rule 16 management conference set for 2/28/2018 2:00 PM CANCELED (due to no electricity). Rule 16 management conference will be RESET. (kls,) (Entered: 03/05/2018)
03/05/2018	<u>25</u>	ORDERED that the Rule 16 management conference is rescheduled for Monday, March 19, 2018, at 3:30 p.m. at the United States Courthouse Annex, 200 N. Travis Street, Sherman, Texas before Magistrate Judge Christine A. Nowak. Signed by Magistrate Judge Christine A. Nowak on 3/5/2018. (daj,) (Entered: 03/05/2018)
03/05/2018	<u>26</u>	NOTICE - PLAINTIFF'S UPDATED MEDICAL INFORMATION FOR "NO WORK" IN PREPARATION FOR SURGERY DUE TO MY HEALTH

		CONDITION & ADA FEDERAL LAW AS REQUIRED by Darlene C. Amrhein (Attachments: # <u>1</u> Envelope(s))(daj,) (Entered: 03/05/2018)
03/07/2018	<u>27</u>	NOTICE - PLAINTIFF'S UPDATED MEDICAL INFORMATION FOR "NO WORK" IN PREPARATION FOR SURGERY DUE TO MY HEALTH CONDITION & ADA FEDERAL LAW AS REQUIRED & APPEALABLE by Darlene C. Amrhein (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Envelope(s))(daj,) (Entered: 03/07/2018)
03/08/2018	<u>28</u>	REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE re <u>11</u> MOTION to Remand filed by Darlene C. Amrhein. Plaintiff's Second Motion for Stay and Continuance of this Lawsuit for Good Cause Reasons [Dkt. 17] is DENIED WITHOUT PREJUDICE. The Court recommends that Motion to Remand this Lawsuit Back to the 199th District Court of Texas Due to Good Cause Reasons [Dkts. 11, 12] be DENIED. Signed by Magistrate Judge Christine A. Nowak on 3/8/2018. (daj,) (Entered: 03/08/2018)
03/08/2018	<u>29</u>	ORDER granting in part and denying in part <u>24</u> Motion to Electronic File All Court Documents and Consideration of Plaintiff's Responses to Rule 26(f), et seq. and No Timely Notice Granted. ORDERED that the Clerk of Court shall add Plaintiff's email address: winsley112@yahoo.com to the electronic service list. ORDERED that the addition of Plaintiff's email address to the electronic list in no way allows her to file electronically and/or entitles her to a user ID and access to the Electronic Filing System. Signed by Magistrate Judge Christine A. Nowak on 3/8/2018. (daj,) (Entered: 03/08/2018)
03/14/2018	<u>30</u>	ACKNOWLEDGMENT OF RECEIPT by Darlene C. Amrhein as to Orders <u>28</u> and <u>29</u> . (rpc,) (Entered: 03/14/2018)
03/19/2018	<u>31</u>	Plaintiff's MOTION for Reconsideration re <u>29</u> Order on Motion, by Darlene C. Amrhein. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(daj,) (Entered: 03/19/2018)
03/19/2018	<u>32</u>	Plaintiff's OBJECTION to <u>28</u> Report and Recommendation of United States Magistrate Judge, by Darlene C. Amrhein. (Attachments: # <u>1</u> Exhibits A, B (previously filed), # <u>2</u> Exhibit C)(daj,) (Entered: 03/19/2018)
03/19/2018		Minute Entry for proceedings held before Magistrate Judge Christine A. Nowak: Rule 16 Management Conference called but not held on 3/19/2018 at 3:51pm. Mary Mahony appeared on behalf of Defendants. No appearance on behalf of Plaintiff. Court delayed start time until 3:50pm to allow Plaintiff to appear. Court notes that an Order Setting Hearing [Dkt. 25] was mailed to Plaintiff on 3/6/2018. No acknowledgment of Order has been received, but Court notes Plaintiff was called by Clerks office, a voicemail left and an email sent to Plaintiff's email listed on docket to confirm her appearance at hearing. Order to show cause to follow. Show cause hearing set for 4/2/2018 at 3:00pm.

		Defendants may appear via telephone. Court adjourned 3:55pm. (Court Reporter Digital, K.Conrad.) (kkc,) (Entered: 03/19/2018)
03/19/2018	<u>33</u>	ORDER TO SHOW CAUSE. ORDERED that Plaintiff shall appear on Monday, April 2, 2018 at 3:00 p.m. at the United States Courthouse Annex, 200 N. Travis Street, Sherman, Texas to show cause for why she failed to appear at the Rule 16 Management Conference scheduled for March 19, 2018. At the hearing, Plaintiff must personally appear before the Court, and Defendants may appear telephonically. The Court provides Defendants with the teleconference call-in information, as follows: ATT Toll-Free Conference Number: 877-336-1839, Access Code: 5754049, followed by #. It is further ORDERED that, in addition to electronically serving Plaintiff via Plaintiff's email, the Clerk of Court shall also send a copy of this Order to the following address via certified mail: Darlene C. Amrhein, 112 Winsley Circle, McKinney, Texas 75071. Signed by Magistrate Judge Christine A. Nowak on 3/19/2018. (daj,) (Entered: 03/19/2018)

PACER Service Center			
Transaction Receipt			
03/20/2018 08:21:40			
PACER Login:	cm5336:3299451:0	Client Code:	amrhein
Description:	Docket Report	Search Criteria:	4:18-cv-00018-ALM-CAN
Billable Pages:	5	Cost:	0.50

EXHIBIT 2

Subject: FW: Activity in Case 4:18-cv-00018-ALM-CAN Amrhein v. Prosperity Bank et al Motion for Reconsideration

From: txedCM@txed.uscourts.gov [mailto:txedCM@txed.uscourts.gov]

Sent: Monday, March 19, 2018 3:27 PM

To: txedcmcc@txed.uscourts.gov

Subject: Activity in Case 4:18-cv-00018-ALM-CAN Amrhein v. Prosperity Bank et al Motion for Reconsideration

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court [LIVE]

Eastern District of TEXAS

Notice of Electronic Filing

The following transaction was entered on 3/19/2018 at 3:26 PM CDT and filed on 3/19/2018

Case Name: Amrhein v. Prosperity Bank et al

Case Number: 4:18-cv-00018-ALM-CAN

Filer: Darlene C. Amrhein

Document Number: 31

Docket Text:

Plaintiff's MOTION for Reconsideration re [29] Order on Motion, by Darlene C. Amrhein. (Attachments: # (1) Exhibit A, # (2) Exhibit B)(daj,)

4:18-cv-00018-ALM-CAN Notice has been electronically mailed to:

Mary Michelle Mahony mmahony@m2dlaw.com, jrutherford@m2dlaw.com

Robert John Grubb, II jgrubb@m2dlaw.com

Darlene C. Amrhein winsley112@yahoo.com

4:18-cv-00018-ALM-CAN Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

1493

Electronic document Stamp:

[STAMP dcecfStamp_ID=1041545818 [Date=3/19/2018] [FileNumber=11292825-0] [6b2bbdbd630af6f2200660d1ed23e714e8fdca1c4cda897219763e0c856dea113efeccd18cc6d035b5a47eea664553d87d3a5cf4a29cfc32c0abf75cc18241]]

Document description: Exhibit A

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1041545818 [Date=3/19/2018] [FileNumber=11292825-1] [b048c10ba22f76e4d2cc84c4f6a1cb2bd507bd957ea508aca7754a4ceaa27672f539610b53246252fa6ff339d8162c5e0741975eb0099a6509981d9bd8905cf4]]

Document description: Exhibit B

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1041545818 [Date=3/19/2018] [FileNumber=11292825-2] [a29d3dbab84b154f995c1435a8a596d75306e48aca470ac05414b04322fc5d3212090e7dc1efb5aad0f4710850919252db9bbd4de718ab4b53fcdba695cb57ee]]

IN THE
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED

MAR 19 2018

Clerk, U.S. District Court
Texas Eastern

DARLENE C. AMRHEIN, Plaintiff,

VS.

CIVIL ACTION NO. 4:18-cv-00018

PROSPERITY BANK, JO'EL ELONY,

KEENA CLIFTON, and NAOMI THAMES, et al Defendants.

Plaintiff's Motion For Reversal of March 8, 2018 Order On Denied ADA Medical Stay & Medical Care Until Recovery of Two Surgeries For "Good Cause" Reasons

To Honorable Judge & Court:

COMES NOW, Plaintiff, Darlene C. Amrhein to file Plaintiff's Motion For Reversal of March 8, 2018 Order On Denied ADA Medical Stay & Medical Care Until Recovery of Two Surgeries For "Good Cause" Reasons for the following:

I. Plaintiff's Medical Condition As Denied By This Court, Attorneys & Defendants:

- 1) U.S. Federal District Court received a second Doctor Letter For Plaintiff "No Work" & it continues to be ignored against Americans With Disabilities Act & ADA federal law;
- 2) Plaintiff has been in & out of 2 hospitals three times and heavily medicated for serious back & neck pain as her spinal column is not stable, continues to move, affects bowel & bladder, pain up & down spine from base to top of neck due to a car accident & repeated failed 2001 two separate surgeries affecting ability to walk, affected gait, bowel & bladder incontinence, pain, numbness in both arms & both legs, weakness & affects from narcotic medications to deal with pain, inflammation, infections & several pinched nerves from top of spine to base of spine that can only be corrected with 2 surgeries as 2 failed spinal injections did not correct patients medical problems in 2017;
- 3) Plaintiff is a "high risk patient" due to her senior age of almost 72 years & as an insulin dependent uncontrolled diabetic with an uncontrolled spinal column;
- 4) Plaintiff Amrhein can only undergo one major surgery at a time, so the first neck

surgery is scheduled for April 26, 2018 with several "medical clearances required" to try to prevent complications or "death," while praying for pain relief & successful surgeries;

5) Plaintiff is required a "complete cardiology work up for clearance" to make sure she has no heart issues that occur during her two surgeries as very traumatic for patients over the age of 50 years old;

6) Plaintiff is required "full & complete medical examination & work up for clearance" by her internal medical doctor with several tests to make sure she can with stand the trauma of two serious surgeries at her age to prevent complications, which have been scheduled with a listing of the Texas Back Institute required areas & tests for this examination prior to first surgery on April 26, 2018 that some refuse to allow is sick;

7) Plaintiff patient has to have a complete work up for her diabetes & insulin injections for control to prevent high A1C numbers that could bring on several complications affecting her body, stroke, heart attack, amputations, so she has to be cleared by an endocrinologist to prevent those complications & anesthesia complication, which affects A1C to rise for complications of stroke or heart attach & or death, plus medical liability;

8) Plaintiff has to see a pain management & stress physician to deal with the extreme pain & stress of the surgeries, that is necessary to get through this trauma to her body;

9) Plaintiff has to be approved for both surgeries through Medicare & the insurance supplement for over \$ 210,000.00 plus medical bills in addition to all other medical bills before, during & after both surgeries; (Back Fusion - Hospital charges insurance about \$63,000. Hardware is \$54,000. Surgeon \$35,000. Other charges for scans, x-rays, MRI, and other things is around \$15,000 with other extra charges as continued to full recovery for 1 surgery totals \$167,000.00 plus.) (Cervical Neck Surgery approximately \$50,000. plus anesthesia, \$2,500.00, therapy, 2 injections \$10,000 & MRI \$6,667.00 plus additional costs.) This cannot be paid by Plaintiff's \$4,100 annual income as disabled senior;

10) Plaintiff is being medicated for pain as now for months, treated for infections within her body to lack of bodily function, since November 1, 2017 to surgery dates & beyond;

2.

over 400 & at 500 can cause heart attack or serious complications due to no insulin or untimely injections & high stress, which was going on for 4 months with no corrections & my complaints to management, while they wanted Plaintiff to endanger myself & others by driving under these conditions as very sick & in bed, blurred vision & dizzy;

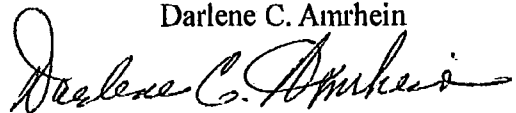
III. In Conclusion & Prayer

33) Based on all the transparent medical information & 2 Physician explanations of Plaintiff's medical treatment planned care, expensive procedures, dangers, risks & needed full recovery, on two major surgeries due as unknow events on "high risk" patient that this Court in good conscience should honestly grant Plaintiff "peace of mind" to proceed for her health sake & without any further burdens that would cause any more harm, so this Court grants a Medical Stay with monthly updates as to process & recovery dates. Plaintiff prayed this would not happen & had 2 max procedures to prevent it that did not work that were "high risk" as a last resort, so now this is the only option left with fears. It is untrue that Plaintiff is asking for any longer time than medically necessary to correct these issues or cause any prejudice to any parties in this lawsuit as first surgery is set for April 26, 2018. The only thing that can delay is if I continue to have demands to work against my medical doctors Orders, do not rest before tests for surgery & do not pass all medical clearances, as no doctor will risk my life & be held liable for any mistakes, not to mention expensive payments by Medicare & insurance company, as this affects much more than Plaintiff, as well as all parties & the court docket in reality. Monthly updates will be provided & both surgeries cannot be done immediately as would truly kill me. Plaintiff prays for fairness, consideration, Justice & reversal of all negative Orders like lack of timely service affecting Plaintiff's filed documents for "Good Cause" Reasons & Constitutional Rights. Thank you for your patience & reconsiderations on the facts. (Exhibits A, B & Plaintiff's Stated Claims filed today.)

Respectfully submitted,

3/20/18

Darlene C. Amrhein



7.

VERIFICATION / AFFIDAVIT

NO. 4:18-cv-00018

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff, Darlene C. Amrhein, who swore in her capacity & individually on her sworn oath, deposed and said she prepared and signed

Plaintiff's Motion For Reversal of March 8, 2018 Order
On Denial ADA Medical Stay & Medical Care, etc.

This information as referenced and stated within is true and correct and of Darlene C. Amrhein's own personal knowledge to best of her ability & documented. This state and or federal filing is for purpose of "due process," fairness, Justice under State and Federal Laws & presented in applicable Court attached as sited for this Court filing. *(Signature)*

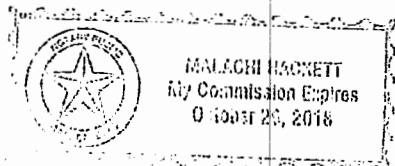
Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein, Plaintiff, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON 2-14, 2018 to

Certify which witness my hand and official seal.

SEAL:



Commission Expires 10-29-2018

Malachi Hackett

Notary Public of Texas (Printed Name)

Malachi Hackett

Notary Public of Texas (Signature)

CERTIFICATE OF SERVICE & CERTIFICATE OF CONFERENCE

A true and correct and copy of Plaintiff's Motion For Reversal of March 8, 2018 Order On Denied ADA Medical Stay & Medical Care Until Recovery of Two Surgeries For "Good Cause" Reasons has been served by certified mail through United States Post Office on or about March 19, 2018 to following:

United States Eastern District Court Certified # 7017 3380 0001 0025 0476
United States Courthouse – Court Clerk or in person
7940 Preston Road Room 101
Plano, Texas 75024

Muskat, Mahony, Devine & Moses Certified # 7017 3380 0001 0025 0483
1201 Louisiana Street, Suite # 850
Houston, TX.77002

Certificate of Service

There was no conference on this above motion because it was prepared on Sunday when Attorneys are unavailable & filed early Monday morning & mailed on Monday morning March 19, 2018.

Respectfully submitted,



Darlene C. Balistreri-Amrhein, Plaintiff



February 23, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

Ms. Darlene Amrhein is a 71yr old female who was evaluated on 1/26/18 secondary to cervical and lumbar related diagnoses: M47.12 cervical myelopathy, M99.31 osseous stenosis of neural canal of cervical region, M43.16 lumbar spondylolisthesis, and M99.33 osseous stenosis of neural canal of lumbar region. These diagnoses do require surgical intervention as they are currently affecting bodily function with complaints of urinary incontinence and retention, in addition to increasing difficulty with gait and coordination which can pose a threat for somebody with a diagnosis of cervical myelopathy. Pt has had to modify her daily activities; she is currently ambulating with a cane. First, I would address her cervical myelopathy with a posterior spinal fusion from C3-4 with laminectomy; this surgery is medically necessary in order to correct the level of severe cervical stenosis while providing vertebral stability. Then, I'd need to address her lumbar issues with an open 360 L4-S1. Her total post op disability time will be approximately 6 months post-operatively. Routine follow ups will be necessary in order for us to evaluate her return to work status closer to that 6 month post-op marker. Pt did require urgent work up as her symptoms have definitely deteriorated. Currently, pt is to remain off work as she cannot complete her usual work duties secondary to the severity of her cervical and lumbar pathology; pt is to remain off work in light of the fact that we are preparing for surgical intervention and continued work could exacerbate her pain and lead towards further deterioration. Please keep pt off of work. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,

Rajesh G. Arakal, M.D.



February 6, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

Ms. Darlene Amrhein is a 71yr old female who was evaluated on 1/26/18 secondary to cervical and lumbar related diagnoses: M47.12 cervical myelopathy, M99.31 osseous stenosis of neural canal of cervical region, M43.16 lumbar spondylolisthesis, and M99.33 osseous stenosis of neural canal of lumbar region. These diagnoses do require surgical intervention as they are currently affecting bodily function with complaints of urinary incontinence and retention, in addition to increasing difficulty with gait and coordination which can pose a threat for somebody with a diagnosis of cervical myelopathy. Pt has had to modify her daily activities; she is currently ambulating with a cane. First, I would address her cervical myelopathy with a posterior spinal fusion from C3-4 with laminectomy; this surgery is medically necessary in order to correct the level of severe cervical stenosis while providing vertebral stability. Then, I'd need to address her lumbar issues with an open 360 L4-S1. Her total post op disability time will be approximately 6 months post-operatively. Routine follow ups will be necessary in order for us to evaluate her return to work status closer to that 6 month post-op marker. Pt did require urgent work up as her symptoms have definitely deteriorated. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,

Rajesh G. Arakal, M.D.

Exhibit B

EXHIBIT 3

Subject: FW: Activity in Case 4:18-cv-00018-ALM-CAN Amrhein v. Prosperity Bank et al
Objection to Report and Recommendations

From: txedCM@txed.uscourts.gov [<mailto:txedCM@txed.uscourts.gov>]

Sent: Monday, March 19, 2018 3:34 PM

To: txedcmcc@txed.uscourts.gov

Subject: Activity in Case 4:18-cv-00018-ALM-CAN Amrhein v. Prosperity Bank et al Objection to Report and Recommendations

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court [LIVE]

Eastern District of TEXAS

Notice of Electronic Filing

The following transaction was entered on 3/19/2018 at 3:33 PM CDT and filed on 3/19/2018

Case Name: Amrhein v. Prosperity Bank et al

Case Number: 4:18-cv-00018-ALM-CAN

Filer: Darlene C. Amrhein

Document Number: 32

Docket Text:

Plaintiff's OBJECTION to [28] Report and Recommendation of United States Magistrate Judge, by Darlene C. Amrhein. (Attachments: # (1) Exhibits A, B (previously filed), # (2) Exhibit C)(daj,)

4:18-cv-00018-ALM-CAN Notice has been electronically mailed to:

Mary Michelle Mahony mmahony@m2dlaw.com, jrutherford@m2dlaw.com

Robert John Grubb, II jgrubb@m2dlaw.com

Darlene C. Amrhein winsley112@yahoo.com

4:18-cv-00018-ALM-CAN Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1041545818 [Date=3/19/2018] [FileNumber=11292873-0] [8a62a93dbd176221597e6a0c8c0956a5d88f54e905c2400cd849445f475e05a58ae81d7f75cb921c4e26aa2722108274a654941f0f7d7b3bb1912586bfb8cda0]]

Document description: Exhibits A, B (previously filed)

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1041545818 [Date=3/19/2018] [FileNumber=11292873-1] [b8b749b6fbd835719fe204775aca49c3dbf5566057da4e03fe6c0e328f637ce0c856e981a2746e85b9fa98f0e020c2d5b923dce2129645f1da6979898d10d213]]

Document description: Exhibit C

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1041545818 [Date=3/19/2018] [FileNumber=11292873-2] [8a178da5905de6f9ba4ddd9c07275882126803a21f919c473fd73c5a82f73f38d47c8594313019c618579edd374ae910b10d1c57c905903571ec6df17ef03bfe]]

3)

IN THE
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED

MAR 19 2018

Clerk, U.S. District Court
Texas Eastern

DARLENE C. AMRHEIN, Plaintiff,

VS.

CIVIL ACTION NO. 4:18-cv-00018

PROSPERITY BANK, JO'EL ELONY, *(Read Stated Claims First)*

KEENA CLIFTON, and NAOMI THAMES, et al Defendants. *(DA)*

Plaintiff's Objections & Arguments to Report And Recommendation of United States Magistrate Judge Christine A. Nowak, Signed March 8, 2018 & Abuses:

COMES NOW, Plaintiff's Objections & Arguments to Report And Recommendation of United States Magistrate Judge Christine A. Nowak, Signed March 8, 2018 & Abuses:

- 1) Plaintiff is going page by page with paragraph numbers, so this Court will not miss any Objections & Arguments As Claimed For Appeal:
- 2) **(Page 1- Par. 1) – Objections** to Court considering anyone that is not a valid parties to this or any lawsuit, when they have not been served as a party to lawsuit in any Court;
- 3) **(Page 1 Par. 1) – Objections** to Court considering theft of papers & record tampering, which is illegal as committed by Attorney Michelle Mahony is a violation of existing laws that Magistrate Judge Nowak is suppose to be enforcing as a criminal act as ignored;
- 4) **(Page 1 – Par. 1) – Objections** to Court on Plaintiff's Motion To Remand be denied, when this U.S. Federal Court does not have any Jurisdiction in any form for Texas Worker's Compensation & TWC Benefits , which bans this removal & remand of this lawsuit from Collin County 199th District Court as stated within Plaintiff's court filing;
- 5) **(Page 1-Par. 1) – Objections** to Plaintiff's Second Motion To Stay And Continue of This Lawsuit for "good cause" reasons as denied without prejudice, as this United States Court is suppose to be enforcing all federal laws for Americans With Disabilities Act, ADA & Rehabilitation Act, including the existence of all valid evidence Exhibit A & B, as this is shameful, dangerous causing more personal injuries to Plaintiff, showing "conflict of interest," bias, prejudice, retaliation & inconsistent against the Rule of Law;
- 6) **(Page 1 – Par. 2) – Objections** – All claims filed by Plaintiff's Attorney was federal law claims, but left out was a corrupt defense attorney not disclosed, who engaged in legal malpractice, conspiracy & collusion to try to force Plaintiff to sign an illegal

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recusal for not enforcing laws & not an unbiased trier of fact in lawsuit with all served parties named & required as a matter of law & under color of law & abuse of discretion

13) (Page 3- Par. 1) Objections Here are the facts of Plaintiff's Medical Stay requests to address Defendants & Courts Objects for "Good Cause" Reasons as follows:

I. Plaintiff's Medical Condition As Denied By This Court, Attorneys & Defendants:

- 1) U.S. Federal District Court received a second Doctor Letter For Plaintiff "No Work" & it continues to be ignored against Americans With Disabilities Act & ADA federal law;
- 2) Plaintiff has been in & out of 2 hospitals three times and heavily medicated for serious back & neck pain as her spinal column is not stable, continues to move, affects bowel & bladder, pain up & down spine from base to top of neck due to a car accident & repeated failed 2001 two separate surgeries affecting ability to walk, affected gait, bowel & bladder incontinence, pain, numbness in both arms & both legs, weakness & affects from narcotic medications to deal with pain, inflammation, infections & several pinched nerves from top of spine to base of spine that can only be corrected with 2 surgeries as 2 failed spinal injections did not correct patients medical problems in 2017;
- 3) Plaintiff is a "high risk patient" due to her senior age of almost 72 years & as an insulin dependent uncontrolled diabetic with an uncontrolled spinal column;
- 4) Plaintiff Amrhein can only undergo one major surgery at a time, so the first neck surgery is scheduled for April 26, 2018 with several "medical clearances required" to try to prevent complications or "death," while praying for pain relief & successful surgeries;
- 5) Plaintiff is required a "complete cardiology work up for clearance" to make sure she has no heart issues that occur during her two surgeries as very traumatic for patients over the age of 50 years old;
- 6) Plaintiff is required "full & complete medical examination & work up for clearance" by her internal medical doctor with several tests to make sure she can withstand the trauma of two serious surgeries at her age to prevent complications, which have been scheduled with a listing of the Texas Back Institute required areas & tests for this examination prior to first surgery on April 26, 2018 that some refuse to allow is sick;

for her health sake & without any further burdens that would cause any more harm, so this Court grants a Medical Stay with monthly updates as to process & recovery dates. Plaintiff prayed this would not happen & had 2 max procedures to prevent it that did not work that were "high risk" as a last resort, so now this is the only option left with fears. It is untrue that Plaintiff is asking for any longer time than medically necessary to correct these issues or cause any prejudice to any parties in this lawsuit as first surgery is set for April 26, 2018. The only thing that can delay is if I continue to have demands to work against my medical doctors Orders, do not rest before tests for surgery & do not pass all medical clearances, as no doctor will risk my life & be held liable for any mistakes, not to mention expensive payments by Medicare & insurance company, as this affects much more than Plaintiff, as well as all parties & the court docket in reality. Monthly updates will be provided & both surgeries cannot be done immediately as would truly kill me. Plaintiff prays for fairness, consideration, Justice & reversal of all negative Orders like lack of timely service affecting Plaintiff's filed documents for "Good Cause" Reasons & Constitutional Rights. Thank you for your patience & reconsiderations on the facts.

(Exhibits A, B & Plaintiff's Stated Claims filed 3-20-2018) (Objections)

14) (Page 3 – Par. 2) Objections Plaintiff's response on Motion To Remand as follows:

a) Instances Where Initial Removal from State Court to Federal Court is Improper

There are several instances where a case cannot be removed from state court to federal court. These include the following: (1) where there are local defendants [A defendant is a citizen of the state where the suit is filed]; (2) suits against railroads; (3) suits against common carriers; (4) **Workers' Compensation suits**; (5) Jones Act suits; (6) Admiralty and Maritime suits; (7) Securities Act suits; and (8) Proceedings from a state agency. (Objections)

One, four, & eight applies to this lawsuit, so removal is improper & that Texas Worker's Compensation is a part of this lawsuit, so this case is improper in federal court, objectionable persevered for reversal on Appeal & for Frauds Upon Court & tampering

37) Plaintiff has not been to any Courts in months, the mail man picks up the mail at the house, to notary is a friend, who checks on me, the vexatious litigant was fraud; (Object)

38) (Page 11 – Par. 1-3) Defendants rights immoderate and prejudice for Plaintiff to have two spine surgeries, so see Plaintiff 8 pages on her medical condition & stop playing doctor as illegal; (Objections)

39) Attorney Mahony said it best this lawsuit was filed over 1 years ago & she has committed all these different "Frauds Upon the Court to Obstruct Justice as an unethical Texas licensed attorney that should be ashamed of herself & clients; (Objections)

40) Defendant's must be worried about the facts & what was done to Plaintiff for the jury trial on all legal theories based on provable facts under existing laws; (Objections)

41) This page is full of speculation in a no win situation. If Plaintiff prepared no court documents, it would be grounds for dismissal. The fact Plaintiff has gotten help to prepare to answer the Court & address Defendant's Attorney false statements just means if I fail the clearance testing it will result in another delay of surgery due to all these harassments; (Objections)

42) (Page 12 – Par 1 to 3) Remand Back to 199th Court Denied is addressed in multiple documents filed shown to be abuse of discretion, bias, prejudice & conflict of interest;

43) There is no way that this federal court could ever fairly judge any lawsuit for a fair & just outcome under the strong appearances of bias, prejudice & retaliation as reported;

44) Prosperity Bank Defendants, et al have violated so many rules & laws it is ridiculous & they need a good investigation for all their illegal acts, discriminations against elderly, disabled, African Americans, as this is shameful & disgusting requiring all consequences & enforcement of laws as Plaintiff plans to Appeal all the way to the United States Supreme Court & going public with names for all actions; Will back strong as ever after these surgeries, hopefully with a speed recovery for your checks & balances on all the corruption, cover up, conspiracy, bad illegal acts & abuses of discretion; violating laws;

45) (Page 13 -Par. 1) About Plaintiff's denied second motion for stay denied without prejudice; Plaintiff is entitled to privacy under HIPPA Laws & no one can dictate my medical condition, medical plan or medical procedures but Plaintiff's doctor; (Object)

46) Judges Order page 1 & 2 – On receipt of Court Filings electronically granted;

47) This is Plaintiff's last filings, Cease & Desist Letter to stop all harassments & Motion to Recuse this Court & Judge Christine Nowak for "good cause" reasons as I prepare for my two surgeries, 6 months recovery for "good cause" reasons & filed to best of ability;

Respectfully Submitted,
(Exhibits A, B, C)

Darlene C. Balistreri-Amrhein, Plaintiff Pro Se
Darlene C. Balistreri-Amrhein
3/19/18
25.

VERIFICATION / AFFIDAVIT

NO. 4:18-CV-00018

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff, Darlene C. Amrhein, who swore in her capacity
& individually on her sworn oath, deposed and said she prepared and signed

*Plaintiff's Objections & Arguments To Report and
Recommendation of U.S. Judge Nowak. Signed etc.*

This information as referenced and stated within is true and correct and of Darlene C.
Amrhein's own personal knowledge to best of her ability & documented. This state and
or federal filing is for purpose of "due process," fairness, Justice under State and Federal
Laws & presented in applicable Court attached as sited for this Court filing.

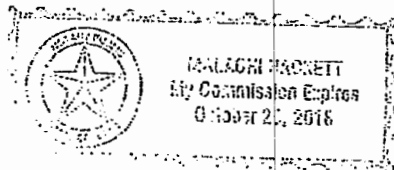
Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein, Plaintiff, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON 2-14, 2018 to

Certify which witness my hand and official seal.

SEAL:



Commission Expires

10-29-2018

Malachi Hackett

Notary Public of Texas (Printed Name)

Malachi Hackett

Notary Public of Texas (Signature)

26.

CERTIFICATE OF SERVICE

A true and correct and copy of Plaintiff's Objections & Responses to Report & Recommendation of United States Magistrate Judge with Exhibits & Cease & Desist has been served by certified mail through United States Post Office on or about March 15, 2018 to following:

United States Eastern District Court Certified # 7017 3380 0001 0025 0476
United States Courthouse – Court Clerk
7940 Preston Road Room 101
Plano, Texas 75024

Muskat, Mahony, Devine & Moses Certified # 7017 3380 0001 0025 0483
1201 Louisiana Street, Suite # 850
Houston, TX. 77002

Respectfully submitted,



Darlene C. Balistreri-Amrhein, Plaintiff

3/19/18



February 23, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

Ms. Darlene Amrhein is a 71yr old female who was evaluated on 1/26/18 secondary to cervical and lumbar related diagnoses: M47.12 cervical myelopathy, M99.31 osseous stenosis of neural canal of cervical region, M43.16 lumbar spondylolisthesis, and M99.33 osseous stenosis of neural canal of lumbar region. These diagnoses do require surgical intervention as they are currently affecting bodily function with complaints of urinary incontinence and retention, in addition to increasing difficulty with gait and coordination which can pose a threat for somebody with a diagnosis of cervical myelopathy. Pt has had to modify her daily activities; she is currently ambulating with a cane. First, I would address her cervical myelopathy with a posterior spinal fusion from C3-4 with laminectomy; this surgery is medically necessary in order to correct the level of severe cervical stenosis while providing vertebral stability. Then, I'd need to address her lumbar issues with an open 360 L4-S1. Her total post op disability time will be approximately 6 months post-operatively. Routine follow ups will be necessary in order for us to evaluate her return to work status closer to that 6 month post-op marker. Pt did require urgent work up as her symptoms have definitely deteriorated. Currently, pt is to remain off work as she cannot complete her usual work duties secondary to the severity of her cervical and lumbar pathology; pt is to remain off work in light of the fact that we are preparing for surgical intervention and continued work could exacerbate her pain and lead towards further deterioration. Please keep pt off of work. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,

Rajesh G. Arakal, M.D.



February 6, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

Ms. Darlene Amrhein is a 71yr old female who was evaluated on 1/26/18 secondary to cervical and lumbar related diagnoses: M47.12 cervical myelopathy, M99.31 osseous stenosis of neural canal of cervical region, M43.16 lumbar spondylolisthesis, and M99.33 osseous stenosis of neural canal of lumbar region. These diagnoses do require surgical intervention as they are currently affecting bodily function with complaints of urinary incontinence and retention, in addition to increasing difficulty with gait and coordination which can pose a threat for somebody with a diagnosis of cervical myelopathy. Pt has had to modify her daily activities; she is currently ambulating with a cane. First, I would address her cervical myelopathy with a posterior spinal fusion from C3-4 with laminectomy; this surgery is medically necessary in order to correct the level of severe cervical stenosis while providing vertebral stability. Then, I'd need to address her lumbar issues with an open 360 L4-S1. Her total post op disability time will be approximately 6 months post-operatively. Routine follow ups will be necessary in order for us to evaluate her return to work status closer to that 6 month post-op marker. Pt did require urgent work up as her symptoms have definitely deteriorated. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,

Rajesh G. Arakal, M.D.

Exhibit B

The Americans with Disabilities Act: A Brief Overview

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. Its overall purpose is to make American Society more accessible to people with disabilities. In 2008, the ADA Amendments Act (ADAAA) was passed. Its purpose is to broaden the definition of disability, which had been narrowed by U.S. Supreme Court decisions.

The ADA is divided into five titles:

1. **EMPLOYMENT (TITLE I)** Title I requires covered employers to provide reasonable accommodations for applicants and employees with disabilities and prohibits discrimination on the basis of disability in all aspects of employment. Reasonable accommodation includes, for example, restructuring jobs, making work-sites and workstations accessible, modifying schedules, providing services such as interpreters, and modifying equipment and policies. Title I also regulates medical examinations and inquires. For more information, see <http://AskJAN.org/links/adalinks.htm#I>
2. **PUBLIC SERVICES (TITLE II)** Under Title II, public services (which include state and local government agencies, the National Railroad Passenger Corporation, and other commuter authorities) cannot deny services to people with disabilities or deny participation in programs or activities that are available to people without disabilities. In addition, public transportation systems, such as public transit buses, must be accessible to individuals with disabilities. For more information, see <http://AskJAN.org/links/adalinks.htm#II>
3. **PUBLIC ACCOMMODATIONS (TITLE III)** Public accommodations include facilities such as restaurants, hotels, grocery stores, retail stores, etc., as well as privately owned transportation systems. Title III requires that all new construction and modifications must be accessible to individuals with disabilities. For existing facilities, barriers to services must be removed if readily achievable. For more information, see <http://AskJAN.org/links/adalinks.htm#III>
4. **TELECOMMUNICATIONS (TITLE IV)** Telecommunications companies offering telephone service to the general public must have telephone relay service to individuals who use telecommunication devices for the deaf (TTYs) or similar devices.
5. **MISCELLANEOUS (TITLE V)** This title includes a provision prohibiting either (a) coercing or threatening or (b) retaliating against individuals with disabilities or those attempting to aid people with disabilities in asserting their rights under the ADA.

The ADA's protection applies primarily, but not exclusively, to individuals who meet the ADA's definition of disability. An individual has a disability if:

1. He or she has a physical or mental impairment that substantially limits one or more of his/her major life activities;
2. He or she has a record of such an impairment; or
3. He or she is regarded as having such an impairment.

As mentioned above, the ADA's definition of disability was broadened by the ADAAA, which went into effect in January 2009. For more information, see Accommodation and Compliance Series: The ADA Amendments Act of 2008 at <http://AskJAN.org/bulletins/adaaa1.htm>

3/18/2018

ADA Overview

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Other individuals who are protected in certain circumstances include 1) those, such as parents, who have an association with an individual known to have a disability, and 2) those who are coerced or subjected to retaliation for assisting people with disabilities in asserting their rights under the ADA.

While the employment provisions of the ADA apply to employers of fifteen employees or more, its public accommodations provisions apply to all sizes of business, regardless of number of employees. State and local governments are covered regardless of size.

Updated: July 26, 2012

Exhibit C

EXHIBIT 4

2

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DARLENE C. AMRHEIN,

Plaintiff,

v.

PROSPERITY BANK, ET AL.,

Defendants.

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CIVIL ACTION NO. 4:18-CV-0018-ALM-
CAN

SHOW CAUSE ORDER

On March 5, 2018, the Court entered its Order rescheduling the Rule 16 management conference [Dkt. 25]. The Court had previously set the management conference for February 28, 2018; however, such hearing was canceled due to no electricity in the United States Courthouse – Annex.

The rescheduled management conference was set to proceed on Monday, March 19, 2018, at 3:30 p.m., at the United States Courthouse Annex, 200 N. Travis Street, Chase Bank Building, Mezzanine Level, Sherman, Texas 75090. Plaintiff and counsel for each of the Defendants were directed to appear. Plaintiff was contacted by the Clerk's Office via telephone and email in advance of Hearing in an effort to confirm notice of Hearing.

On March 19, 2018, counsel for Defendants Prosperity Bank and Keena Clifton appeared in person. Plaintiff failed to appear, despite being ordered to do so. Neither the Court, nor the Clerk's Office were contacted by Plaintiff with any excuse or other reason for Plaintiff's failure to appear; the Court delayed the start of the Hearing for twenty (20) minutes to allow Plaintiff an opportunity to appear. Plaintiff must show cause for her failure to appear.

It is therefore **ORDERED** that Plaintiff shall appear on *Monday, April 2, 2018 at 3:00 p.m.* at the United States Courthouse Annex, 200 N. Travis Street, Sherman, Texas to show cause for why she failed to appear at the Rule 16 Management Conference scheduled for March 19, 2018. Plaintiff must be prepared to state the reasons why her case should not be dismissed under Rule 41 for her failure to comply with the Court's Orders.

At the hearing, Plaintiff must personally appear before the Court, and Defendants may appear telephonically. The Court provides Defendants with the teleconference call-in information, as follows: **ATT Toll-Free Conference Number: 877-336-1839, Access Code: 5754049, followed by #.**

If Plaintiff no longer desires to prosecute this action, Plaintiff may notify the Court in writing, by letter or motion, that she voluntarily dismisses this civil action.

It is further **ORDERED** that, in addition to electronically serving Plaintiff via Plaintiff's email, the Clerk of Court shall also send a copy of this Order to the following address via certified mail: Darlene C. Amrhein, 112 Winsley Circle, McKinney, Texas 75071.

It is finally **ORDERED** that Plaintiff's failure to comply with this Order may result in a recommendation for the dismissal of the claims filed by Plaintiff without further notice.

IT IS SO ORDERED.

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al,

Plaintiffs,

v.

ATTORNEY LENNIE F. BOLLINGER,
WORMINGTON & BOLLINGER LAW FIRM,

Defendants.

COUNTY COURT AT LAW

NO. 6

[Hon. Jay A. Bender]

COLLIN COUNTY, TEXAS

SECOND AMENDED NOTICE OF HEARING FOR DEFENDANT'S MOTION FOR AN
ORDER DETERMINING PLAINTIFF DARLENE AMRHEIN
TO BE A VEXATIOUS LITIGANT AND REQUESTING SECURITY

PLEASE TAKE NOTICE that *Defendant's Motion for an Order Determining Plaintiff Darlene Amrhein to be a Vexatious Litigant and Requesting Security*, filed on February 9, 2018, is set for hearing on **Thursday, April 5, 2018 at 1:30 p.m.** in the 6th County Court at Law of Collin County, Texas.

Dated: March 21, 2018

Respectfully submitted,

By: /s/ Carrie J. Phaneuf

CARRIE JOHNSON PHANEUF

Texas Bar No. 24003790

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JENNIFER SMILEY

Texas Bar No. 24082004

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COBB MARTINEZ WOODWARD PLLC

1700 Pacific Avenue, Suite 3100

Dallas, Texas 75201

Phone: 214.220.5201

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to Darlene Amrhein, *pro se*, by via electronic service through FileTime, e-mail, and USPS priority mail on March 21, 2018.

Darlene Amrhein
112 Winsley Circle
McKinney, Texas 75071
Winsley112@yahoo.com

/s/ Carrie Johnson Phaneuf
CARRIE PHANEUF



FILED
COUNTY COURT AT LAW

MAR 22 2018 @ 10:15am

STACEY KEMP COUNTY CLERK

BY *[Signature]* DEPUTY

COUNTY COURT AT LAW NO. 6

FOR
Collin County, Texas

JAY A. BENDER
JUDGE PRESIDING

March 21, 2018

Darlene Amrhein
112 Winsley Circle
McKinney TX 75071

Carrie J. Phaneuf
Cobb Martinez Woodward PLLC
1700 Pacific Avenue Suite 3100
Dallas TX 75201

Re: Darlene C. Amrhein, et al VS. Attorney Lennie F. Bollinger and
Worminton & Bollinger Law Firm; 006-02654-2017

Dear Darlene Amrhein and Carrie J. Phaneuf:

***The court has set this matter for a Hearing On Motion For An Order
Determining That Plaintiff Darlene Amrhein Is A Vexatious Litigant on April
05, 2018 at 1:30 PM in the County Court at Law 6 of Collin County, Texas.***
Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sables", written in black ink.

Stephanie Ables
Court Administrator

Russell A. Steindam Courts Building, 2100 Bloomdale Road, Suite 30354, McKinney, TX 75071
972.547.1850

email: sables@collincountytexas.gov

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al,

Plaintiffs,

v.

ATTORNEY LENNIE F. BOLLINGER, AND
WORMINTON & BOLLINGER LAW FIRM,

Defendants.

COUNTY COURT AT LAW

NO. 6

[Hon. Jay Bender]

COLLIN COUNTY, TEXAS

DEFENDANTS' REPLY TO PLAINTIFF'S RESPONSE AND SECOND SUPPLEMENT
TO THEIR MOTION FOR AN ORDER DETERMINING PLAINTIFF DARLENE AMRHEIN
TO BE A VEXATIOUS LITIGANT AND REQUESTING SECURITY

Defendants Lennie F. Bollinger and Wormington Law Group, PLLC d/b/a Wormington and Bollinger (incorrectly named as "Wormington & Bollinger Law Firm") ("Defendants") file this Reply to Plaintiff's Response, as well as their second supplement to their Motion for an Order Determining that Plaintiff Darlene Amrhein ("Plaintiff" or "Amrhein") To Be a Vexatious Litigant, and requesting security, pursuant to the provisions of Chapter 11 of the Texas Civil Practice & Remedies Code.

Because the appeal of *Balistreri-Amrhein v. Verrilli, et al.* is still pending at the U.S. Court of Appeals for the Fifth Circuit under a different case name, *Darlene Balistreri-Amrhein v. Jeffrey Wall, et al.*, No. 17-40880,¹ Defendants respectfully supplement the list of *pro se* litigations that Amrhein commenced or maintained in the past seven years that have been finally adversely decided against her contained in Section III. C.² of the Motion for an Order Determining Plaintiff

¹ *Verrilli/Wall* has not been ruled on as of the date of this Motion, but as of March 20, 2018, the briefing is complete.

² Motion, page 22.

Darlene Amrhein to Be a Vexatious Litigant and Requesting Security. *See* Tex. Civ. Prac. & Rem. Code § 11.054(1)(A).

Further, Defendants herein supplement the list of *pro se* litigations that Amrhein, after a litigation has been finally determined against her, repeatedly relitigates or attempts to relitigate the validity of the determination against the same defendants as to whom the litigation was finally determined and the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against the same defendants as to whom the litigation was finally determined contained in Section III. E. of Defendants' Motion for an Order Determining Plaintiff To Be a Vexatious Litigant and Requesting Security. *See* §§ 11.054(2)(A); 11.054(2)(B).

C. Amrhein has lost more than five *pro se* litigations that she commenced/maintained in the past seven years.

Not only is there no reasonable probability that Amrhein will prevail in this litigation against Defendants, but the evidence conclusively establishes also that "plaintiff, in the seven-year period immediately preceding the date the defendant makes the motion . . . has commenced, prosecuted, or maintained at least five litigations as a *pro se* litigant other than in a small claims court that have been . . . finally determined adversely to the plaintiff." TEX. CIV. PRAC. & REM. CODE § 11.054(1)(A).

This section addresses Amrhein's *pro se* lawsuits she has commenced, prosecuted, or maintained in the seven years prior to the filing of Defendants' Motion that were finally determined against her. However, in addition to the lawsuits addressed herein, there are countless *pro se*

lawsuits being prosecuted by Amrhein, including older iterations of the lawsuits below, not addressed herein.³

Amrhein has been involved as a *pro se* litigant in each of the following matters in the past seven (7) years:

1) ***Balistreri-Amrhein v. AHI*, No. 05-09-01377-CV, Dallas Court of Appeals⁴**

This case arose out of a dispute regarding the purchase of a house. In the trial court (Cause No. 296-01145-2008)⁵, Amrhein's claims against Defendants AHI and Inspector Aaron Miller (two of the approximately 15 defendants) were severed and dismissed in August 2009.⁶ Amrhein appealed *pro se* the court's August 14, 2009 Order dismissing these defendants on or about November 10, 2009 (later known as "the AHI appeal").⁷ The AIII appeal was given a cause number of 05-09-01377-CV at the Dallas Court of Appeals and initially concerned only some of the original defendants and Amrhein's claims against them.⁸

In the AHI appeal, Amrhein appeared *pro se* and "continually supplemented" her pleadings. *Balistreri-Amrhein v. AHI*, No. 05-09-01377-CV, 2012 Tex. App. LEXIS 6258, at *1 (Tex. App.—Dallas July 31, 2012). The Court of Appeals dismissed the appeal on July 31, 2012, because Amrhein did not identify any issues for review in the briefing.⁹ Rehearing was denied on August 29, 2012, and the Texas Supreme Court denied her petition for review on December 14,

³ Defendants ask that the Court take judicial notice of Plaintiff's suits filed in Collin County, Texas: Cause Nos. 199-01407-91; 219-5259-93; 366-01063-94; 003-10097; 296-00634-98; 003-848-01; 005-1096-02; 366-00784-04; 296-04034-06; 380-04081-06; 199-05352-2016; 01-EV-13-00835; and 002-02663-2017. This list does not include her lawsuits filed in other state and federal jurisdictions or her pending litigations. The trial court is free to take judicial notice of cases in vexatious litigant motions. *See Scott v. Mireles*, 294 S.W.3d 306, 308 (Tex. App.—Corpus Christi 2009, no pet.); *Douglas v. Redmond*, No. 14-12-00259-CV, 2012 Tex. App. LEXIS 9712, at *18 (App.—Houston [14th Dist.] Nov. 27, 2012, pet. denied).

⁴ Exhibit C-2, attached to original Motion.

⁵ Exhibit K-1, page 7 (docket sheet in trial court), attached to this Reply.

⁶ Exhibit C-3 (order of dismissal); Exhibit C-4 (order of dismissal), attached to this Reply.

⁷ Exhibit C-5 (notice of appeal), attached to this Reply.

⁸ Exhibit C-6 (docket sheet of AHI appeal), attached to this Reply.

⁹ Exhibit C-2, attached to original Motion.

2012.¹⁰ As such, the trial court's dismissal was affirmed and this appeal was adversely decided against Plaintiff. Since this appeal was maintained until December 14, 2012, it falls within the last seven years before this Motion was filed.

Bringing a *pro se* appeal counts as "maintaining a litigation pro se" for purposes of Section 11.054(1). *Jones v. Markel*, No. 14-14-00216-CV, 2015 Tex. App. LEXIS 6273, at *15 (Tex. App.—Houston [14th Dist.] June 23, 2015) (finding that a *pro se* appeal counts as maintaining a litigation *pro se*); see also *Retzlaff v. GoAmerica Comm'ns Corp.*, 356 S.W.3d 689, 699 (Tex. App.—El Paso 2011, no pet.) ("The language of these statutes plainly encompasses appeals. . . . [A] person who files a notice of appeal is maintaining litigation.").

2) ***Balistreri-Amrhein v. Remax, Riechert, et al.*, No. 05-10-01347-CV, Dallas Court of Appeals**

In addition to the AHI appeal explained above, Amrhein maintained another separate and distinct *pro se* appeal at the Dallas Court of Appeals in the seven years before this Motion was filed stemming from the same trial court case.

After severing off the two AHI defendants, the case continued in the trial court.¹¹ When the remainder of Amrhein's claims against Defendants Remax, Riechert, and the rest were dismissed, Amrhein, in a separate Notice of Appeal, appealed *pro se* the Court's September 22, 2010 Order striking her pleadings and dismissing her case ("the Remax appeal").¹²

¹⁰ Exhibit C-2, p. 1, attached to original Motion.

¹¹ Exhibit K-1, page 10-16, attached to Reply.

¹² Exhibit K-2 (order striking pleadings and dismissing remainder of claims).

The trial court denied Amrhein's motion for new trial on October 4, 2010.¹³ Amrhein thereafter filed her notice of appeal related the dismissal of the rest of her lawsuit on October 20, 2010.¹⁴ The Remax appeal was given a separate and distinct cause number of 05-10-01347-CV.¹⁵

The two separate appeals (concerning different claims and different defendants)¹⁶ were both maintained separately by Amrhein *pro se*, but were consolidated by the Court in the interest of judicial economy on or about July 7, 2011.¹⁷ Both appeals were then were dismissed adversely against Plaintiff by Memorandum Opinion on July 31, 2012.¹⁸ Mandate issued on June 19, 2013, after the Supreme Court dismissed her petition for review on December 14, 2012.¹⁹ Both of these appeals were maintained during the seven years before this Motion was filed, and each of these appeals was eventually adversely decided against her in the consolidated AHI appeal.

Both of these appeals were maintained during the relevant time period and qualify under § 11.054(1)(A) because bringing a *pro se* appeal counts as "maintaining a litigation *pro se*" for purposes of Section 11.054(1). *Jones v. Markel*, No. 14-14-00216-CV, 2015 Tex. App. LEXIS 6273, at *15 (Tex. App.—Houston [14th Dist.] June 23, 2015) (finding that a *pro se* appeal counts as maintaining a litigation *pro se*); see also *Retzlaff v. GoAmerica Comm'ns Corp.*, 356 S.W.3d 689, 699 (Tex. App.—El Paso 2011, no pet.) ("The language of these statutes plainly encompasses appeals. . . . [A] person who files a notice of appeal is maintaining litigation.").

Even though the two separate appeals arose out of the same lawsuit, and were consolidated for judicial economy, they still count as two separate matters maintained by Amrhein *pro se*. The vexatious litigant statute does not state that matters involving the same case should be considered

¹³ Exhibit K-3 (order denying motion for new trial), attached to Reply.

¹⁴ Exhibit K-4 (notice of appeal), attached to Reply.

¹⁵ Exhibit K-5 (docket sheet), attached to Reply.

¹⁶ The AHI appeal, *supra*, and the Remax appeal.

¹⁷ Exhibit K-6 (consolidation), attached to Reply.

¹⁸ Exhibit C-2, attached to the original Motion.

¹⁹ *Id.*

one litigation. *In re Estate of Aguilar*, No. 04-16-00503-CV, 2018 Tex. App. LEXIS 1701, at *19 (Tex. App.—San Antonio Mar. 7, 2018, no pet. h.) (citing Tex. Civ. Prac. & Rem. Code § 11.001(2); *Restrepo v. Alliance Riggers & Constructors, Ltd.*, No. 08-15-00348-CV, 2017 Tex. App. LEXIS 8997, 2017 WL 4216249, at *17 (Tex. App.—El Paso Sept. 22, 2017, no pet.) (mem. op.) (considering three interlocutory appeals involving the same case as three separate litigations and three original proceedings involving the same case as three separate litigations)). In fact, the court in *In re Aguilar* held that eight matters, such as civil actions, appeals, and original proceedings—several of which were concerning the same probate proceeding—were all considered *separately* for determination under the vexatious litigant statute. *Id.* (citing *Retzlaff v. GoAmerica Commc'ns Corp.*, 356 S.W.3d 689, 700 (Tex. App.—El Paso 2011, no pet.) (counting involuntary dismissals and mandamus actions toward total litigations required to satisfy second prong of section 11.054(1)(A))). Thus, both the AHI and Remax appeals were maintained separately by Amrhein, and both were adversely decided against her in the seven years before this Motion was filed, and qualify under § 11.054(1)(A).

3) Separate Appeal of Denial of Request to Proceed in AHI and Remax Appeals Without Advance Payment of Costs, Dallas Court of Appeals

In conjunction with her *Remax* Notice of Appeal, Amrhein separately requested leave from the trial court to proceed with indigent status at the Dallas Court of Appeals, which the trial court denied. Thereafter, on November 2, 2010, Amrhein filed a separate notice of appeal of the trial court's denial of her request to proceed on appeal without prepayment of costs.²⁰ On or about July 6, 2011, less than seven years before the filing of this Motion, the Dallas Court of Appeals issued a Memorandum Opinion affirming the trial court's denial of her request to proceed as an indigent. *Memorandum Opinion On Request To Proceed on Appeal Without Advance Payment of Costs*,

²⁰ Exhibit L-1, attached to Reply.

Balistreri-Amrhein v. AHI, Nos. 05-09-01377-CV, 05-10-01347-CV, 2011 Tex. App. LEXIS 5068, at *1 (Tex. App.—Dallas July 6, 2011).²¹ In this Opinion, the Dallas Court of Appeals reviewed the lower court's decision to sustain a contest to an affidavit of indigence. It held that the trial court did not abuse its discretion and affirmed the lower court's decision. *Id.* at *8. This court of appeals' decision is a separate, adverse determination for the purposes of the vexatious litigant statute.

Just as "a denial of a mandamus petition aimed at a trial judge's refusal to rule on motions counted as a separate adverse determination for purposes of section 11.054(1)," so should this appeal of the denial of a motion to proceed without prepayment of costs on appeal be counted as a separate adverse determination under the statute. *See Retzlaff v. GoAmerica Communs. Corp.*, 356 S.W.3d 689, 700 (Tex. App.—El Paso 2011, no pet.). A denial of Amrhein's motion to proceed without prepayment of costs on appeal is, just as a mandamus action is, a "separate, original proceeding that did not challenge the trial court's final decision in the underlying case or relate to the merits of the underlying case." *See Jones v. Markel*, No. 14-14-00216-CV, 2015 Tex. App. LEXIS 6273, at *15 (Tex. App.—Houston [14th Dist.] June 23, 2015). Thus, the court's decision to deny her the right to proceed on appeal without prepayment of costs is a litigation maintained and adversely decided against Amrhein in the seven-year period before this Motion was filed. *See* Tex. Civ. Prac. & Rem. Code § 11.054(1).

4) *Amrhein v. Riechert, et al*, U.S. District Court for the Northern District of Texas

On September 12, 2012, Amrhein filed new a complaint in federal court, *pro se*, naming 57 defendants, including AHI, Aaron Miller, Remax, Jerry and Lori Riechert, various elected officials, judges, attorneys, cities, courts, and the state of Texas, many of which she had sued

²¹ Exhibit C-1, attached to original Motion.

earlier in the state court proceeding that resulted in the AHI and Remax appeals. The magistrate judge entered Findings, Conclusions and Recommendations on February 1, 2013.²² In addition to recommending dismissal of Amrhein's complaint, the magistrate noted that, "Plaintiffs have made it clear that they will not cease their contumacious conduct absent some sort of sanction," and noted that "[Amrhein] has filed at least 22 civil actions in various Collin County courts, two in Dallas County court, and four in Texas federal courts, as well as numerous state appeals and bankruptcy cases."²³ As such, the magistrate recommended a pre-filing injunction against Amrhein to be applied in all district courts in the United States.²⁴ The District Court entered an order accepting the Findings, Conclusions and Recommendations of the magistrate on March 21, 2013.²⁵

In its Order accepting the magistrate's recommendations, **the U.S. District Court entered the pre-filing injunction against Amrhein and held that "Darlene Amrhein is prohibited from filing any new civil action in any United States district court** unless she first files a motion requesting leave of court to do so and attaches thereto copies of (1) her proposed complaint, (2) the magistrate judge's findings, conclusions and recommendation in this case, (3) this court's order accepting the findings, conclusions and recommendation of the United States Magistrate Judge, and (4) the judgment in this case." *Amrhein, et al. v. Jerry Riechert, et al.*, No. 3:12-CV-03707 (March 21, 2013) (emphasis added)).²⁶ The court also entered a final judgment that same day dismissing Amrhein's claims.²⁷

²² Exhibit F-1, attached to Motion.

²³ Exhibit F-1.

²⁴ Exhibit F-1.

²⁵ Exhibit F-2, attached to Motion.

²⁶ Exhibit F-2.

²⁷ Exhibit F-3, attached to Motion.

The Fifth Circuit dismissed Amrhein's *pro se* appeal on October 27, 2014 and issued the mandate the same day.²⁸ The Fifth Circuit denied Plaintiff's motion to recall its mandate on November 10, 2014.

This matter was finally adversely decided against Plaintiff within the last seven years before the date this Motion was filed.

5) *Amrhein v. La Madeleine, et al.*, U.S. District Court for the Northern District of Texas

Unhappy with the outcome of other state court litigation against her former employer, La Madeleine, which lasted over 14 years, Amrhein turned to the federal court system on August 16, 2011, and filed another, but new, employment lawsuit against La Madeleine, in the U.S. District Court for the Eastern District of Texas.²⁹ The case was soon transferred to the Northern District of Texas. Amrhein, *pro se*, sued 27 defendants, including the State of Texas, various Texas elected officials, judges, and courts. This suit was adversely decided against Plaintiff by the District Court on December 21, 2012.³⁰

The District Court dismissed her claims with prejudice and **warned that any attempt to re-file may result in sanctions or other disciplinary measures.**³¹ The District Court entered a Final Judgment on December 31, 2012.³² At the time of dismissal, Amrhein had "been in and out of court for over 16 years attempting to find a favorable resolution for her plight." *Amrhein v. La Madeleine, Inc., et al.*, 2012 Tex. Cnty. LEXIS 5509 *10 (N.D. Tex. Dec. 21, 2012).³³

²⁸ Exhibit F-4, attached to Motion.

²⁹ Exhibit D-1, attached to Motion.

³⁰ Exhibit D-1.

³¹ Exhibit D-1.

³² Exhibit D-2, attached to Motion.

³³ Exhibit D-1.

Amrhein appealed to the Fifth Circuit, *pro se*, and the Fifth Circuit affirmed the trial court's dismissal on January 5, 2015, noting that her complaint totaled over 200 pages and included over 52 issues. *Amrhein v. La Madeleine, Inc.*, 589 F. App'x 258, 259 (5th Cir. 2015).³⁴

Amrhein's petition for writ of certiorari to the United States Supreme Court was denied on October 5, 2015. *Amrhein v. La Madeleine, Inc.*, 136 S. Ct. 86 (2015).³⁵ Amrhein's petition for rehearing to the U.S. Supreme Court was denied on November 30, 2015. *Amrhein v. La Madeleine, Inc.*, 136 S. Ct. 574 (2015).³⁶

This matter was finally adversely decided against Plaintiff within the last seven years before the date this Motion was filed.

6) *Amrhein v. La Madeleine, Inc.*, Court of Appeals of Texas, Sixth District, Texarkana

This litigation was another (*albeit* separate) of the La Madeline series that Amrhein filed *pro se* alleging that La Madeleine failed to provide a safe workplace and "alleging primarily that [Amrhein] developed carpal tunnel syndrome from the repetitive motion of tossing or mixing salads over a period of less than five months in 1994." *Amrhein v. La Madeleine, Inc.*, No. 06-12-00107-CV, 2013 Tex. App. LEXIS 2191, at *1 (Tex. App.—Texarkana Mar. 6, 2013).³⁷ Amrhein appealed *pro se* from the grant of La Madeleine's summary judgment and order of dismissal. The Texarkana Court of Appeals found that "Amrhein's *pro se* brief . . . is incomprehensible. It can accurately be described as a fifty-page denunciation of perceived slights by the legal system and her belief that because she has not prevailed, the system has treated her unfairly at every turn." *Id.* at *6.

³⁴ Exhibit D-3, attached to Motion.

³⁵ Exhibit D-4, attached to Motion.

³⁶ Exhibit D-5, attached to Motion.

³⁷ Exhibit E-1, attached to Motion.

Thus, the Texarkana Court affirmed the trial court's judgment against Amrhein on March 6, 2013.³⁸ The Court of Appeals further denied two motions for rehearing and a motion for reconsideration on March 26, 2014; April 16, 2013; and April 30, 2013; respectively.³⁹ The Supreme Court of Texas denied or dismissed her petition for review and subsequent attempts to be reheard on June 21, 2013; September 27, 2013; February 7, 2014; and April 4, 2014.⁴⁰

This matter was finally adversely decided against Plaintiff within the last seven years before the date this Motion was filed.

7) *Amrhein v. David Schroeder*, Appeal to County Court of Law No. 2, Collin County, Texas

After Defendants withdrew from representing Amrhein in the underlying lawsuit, Amrhein continued to prosecute her lawsuit against David Schroeder *pro se* until the justice court dismissed Cause No.'s 01-SC-16-00165 on October 16, 2017. In the Order of Dismissal, Judge Raleeh sanctioned Plaintiff and ordered that "Plaintiff not file another civil cause of action against Defendant until first authorized by this Court."

On October 27, 2017, Amrhein appealed the dismissal of her Justice Court case against David Schroeder to County Court of Law No. 2, Cause No. 002-02663-2017. In appealing her small claims court case to County Court of Law No. 2, this litigation qualifies under § 11.054(1)(A) because it was a separate *pro se* appeal, was no longer in small claims or Justice Court, and was finally adversely decided against her within the seven years prior to Defendants' Motion. Amrhein's appeal of *Amrhein v. Schroeder* was dismissed on December 14, 2017.⁴¹

³⁸ Exhibit E-1, attached to Motion.

³⁹ Exhibits E-2, E-3, and E-4, attached to Motion. *See also* 2013 Tex. App. LEXIS 3765; 2013 Tex. App. LEXIS 4882; 2013 Tex. App. LEXIS 5367.

⁴⁰ Exhibit E-6, attached to Motion. *See also* 2012 Tex. LEXIS 504; 2013 Tex. LEXIS 815; 2014 Tex. LEXIS 122; 2014 Tex. LEXIS 281.

⁴¹ On December 15, 2017, Amrhein filed a document "requesting that the taxed costs to Plaintiff be removed from December 14, 2017 Order in the interest of justice..." and/or asking that the "taxed cost should be given to those in forma pauperis funds or waived." This request is not a motion for new trial nor questioned the dismissal of her case,

In summary, during the seven-year period preceding the filing of the present motion, Amrhein has prosecuted or maintained at least five *pro se* matters in both the Texas state and federal courts, and she has received adverse rulings each time. In *Leonard v. Abbott*, 171 S.W.3d 451, 456 (Tex. App.—Austin 2005, pet. denied), the court of appeals noted that “any person of reasonable intelligence would be able to discern that if he were to file five lawsuits in seven years, all of which were decided in favor of the opposing party. . . he may be subject to being labeled a vexatious litigant.” (citing *Liptak v. Banner*, No. 3:01-CV-0953-M, 2002 U.S. Dist. LEXIS 940, at *13 (N.D. Tex. Jan. 18, 2002)). Likewise, Amrhein’s extensive *pro se* litigation record clearly meets the proof required under TEX. CIV. PRAC. & REM. CODE § 11.054(1)(A) to declare Amrhein to be a vexatious litigant and require her to post security for this lawsuit.

E. Amrhein Repeatedly Litigates the Same Issues and Causes of Action Against the Same Defendants

As can be seen in the brief recitation of Amrhein’s *La Madeline* and *Riechert* cases and appeals contained herein, Plaintiff repeatedly litigates the same issues and causes of action against the same defendants after a suit has been decided against her. This is a second and independent basis establishing Amrhein as a vexatious litigation under the statute. TEX. CIV. PRAC. & REM. CODE § 11.054(2).

Three of the above matters involve variations on the *Riechert* litigation arising from the purchase of a house. Two of the above matters involve variations of litigation against La Madeline. Amrhein’s long-lasting and harassing *La Madeleine* litigation⁴² is a prime example of what the Texas Legislature was trying to prevent when it enacted Chapter 11 of the Texas Civil Practice and Remedies Code. As noted by the magistrate in the Northern District, Amrhein litigated against

although she titled it “Motion for Reconsideration.” Therefore, to the extent that it was a motion to modify, correct, or reform a judgment it was overruled by operation of law on February 28, 2018. Tex. R. Civ. P. 329b(g).

⁴² Exhibits D-1 through D-5; Exhibits E-1 through E-6; Exhibits H-1 through H-2, attached to Motion.

La Madeline in state court for over 14 years before then filing suit in the Eastern District of Texas.⁴³ “By the time she got to federal court, she had dragged numerous unrelated parties into the suit including...the State of Texas, Governor Perry, the Texas Secretary of State, various judges, and the entire Texas state legislature.”⁴⁴ Amrhein brought 52 causes of action against the named parties and her filings were voluminous.⁴⁵ It was evidence like this that caused the magistrate to conclude that Plaintiffs will not cease their contumacious conduct absent some sort of sanction.⁴⁶

Additionally, Amrhein’s two pending cases in federal court, as explained below, shed more light on her conduct and litigations that qualify under § 11.054(2).

1) ***Balistreri-Amrhein v. Verrilli, et al.*, U.S. District Court for the Eastern District of Texas (A Continuation of *Riechert* Litigations)**

On February 11, 2016, Amrhein filed a Complaint, *pro se*, in the U.S. District Court for the Eastern District of Texas in violation of the pre-filing injunction imposed by the court in *Riechert*.⁴⁷ Plaintiff’s Third Amended Complaint named more than 120 defendants and asserted numerous causes of action against each defendants.

On October 7, 2016, the magistrate judge recommended that Plaintiff’s Complaint, filed *pro se*, be dismissed with prejudice.⁴⁸ The magistrate found that **“Plaintiffs have previously asserted the allegations contained in the Third Amended Complaint (or similar allegations) against many of the defendants named therein.”**⁴⁹ Additionally, the magistrate noted that **Amrhein was in violation of the Northern District of Texas’s Pre-filing Injunction Order and that Amrhein’s claims were frivolous and malicious.**⁵⁰ On February 24, 2017, the District Court

⁴³ Exhibit F-1, attached to Motion.

⁴⁴ Exhibit F-1.

⁴⁵ Exhibit F-1.

⁴⁶ Exhibit F-1.

⁴⁷ Exhibit G-1, attached to Motion.

⁴⁸ Exhibit G-1.

⁴⁹ Exhibit G-1, p. 3.

⁵⁰ Exhibit G-1, pp. 9, 21-22, attached to Motion.

adopted the recommendation and dismissed Plaintiff's Complaint with Prejudice.⁵¹ Amrhein has appealed this matter, and it is pending before the Fifth Circuit.

This action qualifies under § 11.054(2) because Amrhein is asserting the same or similar allegations against many of the defendants she had previously sued in the Northern District *Riechert* case after the *Riechert* litigation had been finally determined against Plaintiff.⁵² In her pending *Verrilli* case, Amrhein both sues the same defendants and brings similar causes of action or claims as the *Riechert* case. Thus, these issues are being repeatedly litigated against the same defendants.⁵³ Section 11.054(2) does not have the seven-year requirement or a requirement that the actions be finally adversely decided against Amrhein. *See* §§ 11.054(2)(A), 11.054(2)(B). Thus, the Court must find that Amrhein is repeatedly litigating or attempting to relitigate, *pro se*, the validity of the determination against the same defendants as to whom the litigation was finally determined or the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against the same defendants as to whom the litigation was finally determined, after a litigation has been finally determined against Plaintiff Amrhein. *See* §§ 11.054(2)(A); 11.054(2)(B).

2) *Amrhein v. United States of America, et al.*, U.S. District Court for the Eastern District of Texas (A variation of the prior already disposed of *La Madeline* Litigations)

On March 31, 2016, Amrhein filed a lawsuit, *pro se*, against over 160 defendants, including the United States, President Obama, many federal, state, and local elected officials, the justices of the Supreme Court, courts, judges, clerks of court, the State of Texas, La Madeline, Inc., the attorneys for La Madeline, and many more individuals.⁵⁴ Her complaints stemmed (again) from

⁵¹ Exhibit G-2, attached to Motion.

⁵² *See supra*, Section C. (4).

⁵³ Exhibit G-1, p. 3, attached to Motion.

⁵⁴ Exhibit H-1, attached to Motion.

disputes between Plaintiff and her prior employer La Madeleine, Inc.—Amrhein complained that its employees mistreated her at work, caused to her suffer on-the-job injuries, and subsequently refused to pay for certain medical procedures.

The magistrate issued a Report and Recommendation on June 23, 2017 recommending dismissal of Amrhein's claims.⁵⁵ The magistrate again noted that **Amrhein was in violation of the Northern District of Texas's Pre-filing Injunction Order and that Amrhein's claims were frivolous and malicious.**⁵⁶

In adopting the recommendations of the magistrate on September 6, 2017, the Court pointed out that “[i]n the instant action, **Plaintiff now raises for the third time all of the same claims she raised in the *Amrhein NDTX I* litigation**, and has appended claims against every member of the judiciary remotely associated with the Amrhein *NDTX I* litigation, as well as their staff and any attorney representing other parties to that litigation.”⁵⁷ The Court further recounted Plaintiff's extensive prior litigation history: **“she has filed more than six suits before numerous Texas state and federal courts (including [the Eastern District of Texas]), and courts have dismissed each of these cases for frivolousness and/or for failure to comply with basic pleading or procedural requirements.”**⁵⁸ The Court found that “Plaintiff has filed flurries of largely incomprehensible motions, letters, and other requests for relief both prior to and following the respective court's disposition of her claims and that courts have previously admonished Plaintiff for such behavior.”⁵⁹ Moreover, the Court held that “Plaintiff's claims and allegations

⁵⁵ Exhibit H-1.

⁵⁶ Exhibit H-1.

⁵⁷ Exhibit H-2, p. 4, attached to Motion.

⁵⁸ Exhibit H-2, p. 6 (emphasis added).

⁵⁹ Exhibit H-2, p. 7.

[in this 2016 lawsuit] . . . **duplicate the claims Plaintiff previously raised** (and the Northern District previously dismissed with prejudice) in the *Amrhein NDTX I* litigation.”⁶⁰

On October 3, 2017, Amrhein, *pro se*, appealed this decision and the appeal is currently pending at the Fifth Circuit.

This action qualifies under § 11.054(2) because Amrhein is asserting the same or similar allegations against many of the defendants she had previously sued in the Northern District *La Madeline* case after the *La Madeline* litigation had been finally determined against Plaintiff.⁶¹ In her pending *USA* case, Amrhein both sues the same defendants and brings similar causes of action or claims as the *La Madeline* cases. Thus, the same issues are being repeatedly litigated, *pro se*, against the same defendants.⁶² Section 11.054(2) does not have the seven-year requirement or a requirement that the actions be finally adversely decided against Amrhein. *See* §§ 11.054(2)(A), 11.054(2)(B). Thus, the Court must find that Amrhein is repeatedly litigating or attempting to relitigate, *pro se*, the validity of the determination against the same defendants as to whom the litigation was finally determined or the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against the same defendants as to whom the litigation was finally determined, after a litigation has been finally determined against Plaintiff Amrhein. *See* §§ 11.054(2)(A); 11.054(2)(B).

3) Amrhein’s Employment Dispute Litigations Continue with Another Former Employer in *Amrhein v. Prosperity Bank*, U.S. District Court for the Eastern District of Texas

Recently, in Amrhein’s pending lawsuit against Prosperity Bank, she was deposed about her litigation history. Amrhein refused to answer the questions under oath:

⁶⁰ Exhibit H-2, p. 13 (emphasis added), attached to Motion.

⁶¹ *See supra*, Section C. (5).

⁶² Exhibit H-1, p. 1-2, attached to Motion.

7 Q. (BY MS. MAHONY) Are you currently employed,
8 Ms. Amrhein?

9 A. No.

10 Q. Okay. I looked at your LinkedIn page and you
11 indicate on there that you're an independent legal
12 services professional. What does that mean?

13 A. That means I'm interested in legal. That's
14 it. I don't work for anyone.

15 Q. What do you do as an independent legal
16 services professional?

17 A. Research. That's it.

18 Q. Research for whom?

19 A. For myself.

20 Q. And as a litigant for yourself?

21 A. No, not necessarily. It's just I have an
22 interest in law.

23 Q. So you just research the law, because you like
24 to research?

25 A. Pretty much.

1 Q. How many active lawsuits are you involved in
2 right now?

3 A. I object to that question. It's not relevant.

4 MS. MAHONY: Certify the question.

5 Q. (BY MS. MAHONY) Do you currently have any
6 bankruptcies pending right now?

7 A. No.

8 Q. Would it surprise you to know that you've
9 filed 18 federal court cases since 1986?

10 A. I object to the question. That's -- the form
11 of the question and it has no relevance to this
12 lawsuit.

13 MS. MAHONY: Certify the question.

14 Q. (BY MS. MAHONY) Would it surprise you that
15 since 1991 you've had ten cases filed in Collin County?

16 A. I object to the form of the question. It has
17 no relevance to Prosperity Bank and it's irrelevant.

18 Q. Okay. Ms. Amrhein, would it surprise that you
19 have three appeals before the Fifth Circuit all of
20 which have been denied since 2000?

21 A. I object to the form of the question. I
22 object to the question as it has no relevance to the
23 Prosperity Bank case.

24 MS. MAHONY: Certify the question and
25 improper objection to all of the foregoing.

Deposition of Darlene Amrhein, pages 139-141, October 27, 2017 in *Amrhein v. Prosperity Bank, et al.*, No. 417-05352-2016/199-05352-2016, 417th Judicial District of Collin County, Texas.⁶³

The Prosperity Bank suit has been removed from Collin County to federal court, and Amrhein is prosecuting it *pro se*. The suit's basis is another employment dispute with her former employer, Prosperity Bank.

Conclusion and Prayer

Plaintiff has now indicated in filings in this case that there is no end to her harassing and vexatious litigation. Upset with this Court's January 30, 2018 Order Granting Defendants' Rule 91a Motion to Dismiss, Plaintiff filed a Response on February 6, 2018, in which she states her intent to sue the Judge and Defendants' lawyers in this case in connection with the Rule 91 Motion and Order.⁶⁴ In addition, Amrhein sent Defendants a "Cease and Desist Demand" Letter threatening to "go to media / press about [Defendants'] actions & hire an attorney to sue [Defendants and/or their attorneys] for all [their] actions from December 1, 2017 to the present dates 2018" and threatening that "legal action will promptly be brought against [Defendants and/or Defendants' attorneys], including having law enforcement pursue criminal charges and recovering any damages [Amrhein] ha[s] suffered in civil court for physical and mental distress or otherwise."⁶⁵

Therefore, the Court must declare Plaintiff Darlene C. Balistreri-Amrhein to be a vexatious litigant and requiring her, pursuant to Tex. Civ. Prac. & Rem. Code §§ 11.051(1); (2); (3), to post security before proceeding in this suit.

⁶³ Exhibit I, attached to Motion.

⁶⁴ See Plaintiff's February 6, 2018 Response, p. 28.

⁶⁵ Exhibit M (cease and desist letter), attached to this Reply.

WHEREFORE, PREMISES CONSIDERED, Defendants Lennie F. Bollinger and Wormington & Bollinger, respectfully request that the Court grant their Motion in its entirety, sign and enter an order determining that the plaintiff is a vexatious litigant in accordance with TEX. CIV. PRAC. & REM. CODE §§ 11.051 and 11.054, and order the plaintiff to furnish security for the benefit of the Defendants by a date to be determined by the Court's Order in accordance with TEX. CIV. PRAC. & REM. CODE § 11.055.

Defendants also request such other and further relief to which they may show themselves justly entitled both at law and in equity.

Respectfully submitted,

By: /s/ Carrie J. Phaneuf

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ATTORNEYS FOR LENNIE F. BOLLINGER
AND WORMINGTON & BOLLINGER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to Darlene Amrhein, *pro se*, by via electronic service through FilcTime, e-mail, and priority mail on March 26, 2018.

Darlene Amrhein
112 Winsley Circle
McKinney, Texas 75071
Winsley112@yahoo.com

/s/ Carrie Johnson Phaneuf
CARRIE PHANEUF

EXHIBIT C-3

NO. 429-01145-2008

DARLENE BALISTRERI-AMRHEIN, and	§	IN THE DISTRICT COURT
ANTHONY J. BALISTRERI,	§	
Plaintiffs,	§	
	§	
VS.	§	
	§	
REMAX REALTY, SALLY DARNELL,	§	
KELLY CALKINS, LAUREN PALMER,	§	
BILL J. WILLIAMS, JERRY M.	§	
RIECHERT, LORI K. RIECHERT,	§	OF COLLIN COUNTY, TEXAS
REPUBLIC TITLE OF TEXAS, INC.,	§	
FIRST AMERICAN TITLE INSURANCE	§	
COMPANY, STONEBRIDGE RANCH	§	
HOMEOWNERS ASSOCIATION, CMA	§	
MANAGEMENT, and AARON D. MILLER,	§	
d/b/a AHI CONSTRUCTION	§	
CONSULTANTS, and AARON'S HOME	§	
INSPECTIONS,	§	
Defendants.	§	429th JUDICIAL DISTRICT

**ORDER GRANTING DEFENDANT MILLER'S MOTION TO DISMISS
PLAINTIFFS' CLAIMS AGAINST MILLER FOR FAILURE TO COMPLY
WITH THIS COURT'S ORDER OF JULY 10, 2009**

BE IT REMEMBERED that on August 14, 2009, there came before the Court for hearing the Defendant, Aaron D. Miller's Motion to Dismiss Plaintiffs' claims against Miller for Failure to Comply with this Court's Order of July 10, 2009 (the Motion). Miller appeared by and through his attorney of record, Carl David Adams, Esquire and announced ready to proceed. Both Plaintiffs, Darlene Balistreri-Amrhein, Individually, and in her capacity as court-appointed Guardian of co-plaintiff, Anthony J. Balistreri, appeared by and through their newly-designated Counsel of Record, Clifford I. Weinstein, Esquire. The Plaintiffs urged a Motion for Continuance of the hearing on the Motion, which the Court heard and

**ORDER GRANTING DEFENDANT MILLER'S
MOTION TO DISMISS PLAINTIFFS' CLAIMS
AGAINST MILLER, Page 1.**

Overruled. The Court heard arguments of the parties and took judicial notice of the contents of the Court's file. Based on the foregoing, the Court enters the following Findings and Rulings:

THE COURT FINDS that both Plaintiffs Darlene Balistreri-Amrhein, Individually, and Darlene Balistreri-Amrhein in her capacity as court-appointed Guardian of co-plaintiff, Anthony J. Balistreri, received (at the hearing conducted July 10, 2009) an executed copy of the Court's July 10, 2009 Order on Special Exceptions of Defendant, Aaron D. Miller (Order), sustaining the Special Exceptions of Miller, and containing the following unambiguous Order with regard to the procedural form and title to be employed by Plaintiffs in the filing of any future Amended Petitions filed by the above-named Plaintiffs in this action:

THE COURT THEREFORE ORDERS both Plaintiffs, Darlene Balistreri-Armhein, Individually, and Darlene Balistreri-Armhein, in her capacity as court-appointed Guardian of co-plaintiff, Anthony J. Balistreri, to properly prepare and file, **WITHIN 10 DAYS OF THE DATE OF THIS ORDER**, a single consolidated pleading, entitled Plaintiffs' Second Amended Petition, setting forth any and all asserted civil claims, if any, of both Plaintiffs against Defendant Miller, as well as all asserted civil claims, if any, of both Plaintiffs against all other named Defendants in this cause, as required by Rule 46 of Texas Rules of Civil Procedure, that fairly satisfies and/or corrects the legal insufficiencies identified herein by the Court in its findings regarding the above-cited sections of Plaintiffs' Pleadings against Miller.

THE COURT FINDS that the Plaintiffs' Supplemental Petition and Pleadings filed on or about July 11, 2009 (as well as Plaintiffs' Third Supplemental Pleadings/Petition, filed on or about August 1, 2009) clearly and

unambiguously fail to comply with the above-cited terms of this Court's Order of July 10, 2009 in that (1) neither of said pleadings is entitled or denominated as "Plaintiffs' Second Amended Petition," (2) neither of said pleadings purports to replace earlier filed pleadings of the Plaintiffs, and (3) the Motion for Leave to File Supplemental Pleadings, filed by both of the above-named Plaintiffs on or about July 14, 2009, judicially admits that both of the above-named Plaintiffs *intentionally refused to comply* with the Order because, as stated in the Motion, Plaintiffs "do not want to amend" their pleadings, because they did not want to "void the previous amended petition/pleadings."

THE COURT FINDS that the failure of the above-named pleadings of both of the above-named Plaintiffs to comply with this Court's Order of July 10, 2009 (as set forth above) was intentional behavior on the part of both of the above-named Plaintiffs, and was not inadvertent or accidental behavior on their part.

THE COURT FINDS that the Plaintiffs' Supplemental Petition and Pleadings, filed on or about July 11, 2009 (as well as Plaintiffs' Third Supplemental Pleadings/Petition, filed on or about August 1, 2009) clearly and unambiguously fail to comply with the above-cited terms of this Court's Order of July 10, 2009, in that neither of said pleadings purports to comply with that portion of this Court's Order of July 10, 2009 that requires the Plaintiffs to file an amended petition that "fairly satisfies and/or corrects the legal insufficiencies

identified herein by the Court in its findings regarding the above-cited sections of Plaintiffs' Pleadings against Miller."

THE COURT FINDS that the applicable allegations of both of the above-named Plaintiffs in both of the subsequently-filed pleadings identified above (1) fail, on their face, to inform Defendant Miller which of the alleged causes of action are being asserted against him, (2) fail, on their face, to set forth sufficiently clear factual allegations, as opposed to mere legal conclusions, as to put Defendant Miller on fair notice of the allegations of fact being made against him in this litigation, and (3) effectively deny Defendant Miller, by reason of such absence of factual specificity, reasonable notice of the claims of said Plaintiffs against him in this litigation, so as to allow him a reasonable opportunity to formulate a defense to such claims, thus denying Defendant Miller due process of law as required by Texas Rules of Civil Procedure.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Motion Defendant, Aaron D. Miller, is hereby **GRANTED**, as follows:

1. The Plaintiffs' Supplemental Petition and Pleadings filed on or about July 11, 2009 (as well as Plaintiffs' Third Supplemental Pleadings/Petition, filed on or about August 1, 2009), to the extent they purport to state and/or assert a civil action or civil liability claims against Defendant, Aaron D. Miller, for or on behalf of both Plaintiffs Darlene Balistreri-Amrhein, Individually, and Darlene Balistreri-Amrhein in her capacity as court-appointed

Guardian of co-plaintiff, Anthony J. Balistreri, are hereby **STRICKEN**, and all such claims are hereby **DISMISSED, WITHOUT PREJUDICE**;

2. Both Plaintiffs Darlene Balistreri-Amrhein, Individually, and Darlene Balistreri-Amrhein in her capacity as court-appointed Guardian of co-plaintiff, Anthony J. Balistreri, are hereby **ORDERED**, under penalty of **CONTEMPT**, to refrain from filing any future pleadings in this action setting forth claims against Defendant, Aaron D. Miller, unless such future pleadings are signed by an attorney licensed by the State Bar of Texas which affirmatively states, on the face of such future pleadings that such attorney or attorneys are representing said Plaintiffs. No future pleadings by the above-named Plaintiffs setting forth claims against Defendant, Aaron D. Miller, may be filed in this Court (or any other Collin County court) *pro se* without the above-named Plaintiffs first obtaining written leave and order of this Court (on written notice to Miller's Counsel and hearing by the Court);
3. All claims set forth in the Plaintiffs' Supplemental Petition and Pleadings filed on or about July 11, 2009 (as well as Plaintiffs' Third Supplemental Pleadings/Petition, filed on or about August 1, 2009), to the extent they purport to state and/or assert a civil action or civil liability claims against Defendant, Aaron D. Miller, for or on behalf of both Plaintiffs Darlene Balistreri-Amrhein, Individually, and Darlene Balistreri-Amrhein in her

capacity as court-appointed Guardian of co-plaintiff, Anthony J. Balistreri, are hereby are **SEVERED** into a separate action (with the additional filing fees associated with the opening of such new case to be paid by the two [2] above-described Plaintiffs). The Clerk is **ORDERED** to assign such severed action a separate cause number (the severed action)(although any delay of the Clerk in assigning such separate number to the severed action shall not affect and/or prevent the finality of this Order for purposes of appeal);

4. All taxable court costs related to the claims of the above-named Plaintiffs against Miller are hereby taxed against the two (2) above-named Plaintiffs, jointly and severally; and
5. This Order is intended to dispose of all issues between both of the above-named Plaintiffs and Defendant, Miller, and to be a final and appealable judgment for all purposes.

Signed this 14 day of August 2009.


JUDGE PRESIDING

EXHIBIT C-4

NO. 296-01145-2008
Previously cause NO. 429-01145-2008

DARLENE BALISTRERI-AMRHEIN, and	§	IN THE DISTRICT COURT
ANTHONY J. BALISTRERI,	§	
Plaintiffs,	§	
	§	
VS.	§	
	§	
REMAX REALTY, SALLY DARNELL,	§	
KELLY CALKINS, LAUREN PALMER,	§	
BILL J. WILLIAMS, JERRY M.	§	
RIECHERT, LORI K. RIECHERT,	§	OF COLLIN COUNTY, TEXAS
REPUBLIC TITLE OF TEXAS, INC.,	§	
FIRST AMERICAN TITLE INSURANCE	§	
COMPANY, STONEBRIDGE RANCH	§	
HOMEOWNERS ASSOCIATION, CMA	§	
MANAGEMENT, and AARON D. MILLER,	§	
d/b/a AHI CONSTRUCTION	§	
CONSULTANTS, and AARON'S HOME	§	
INSPECTIONS,	§	
Defendants.	§	296th JUDICIAL DISTRICT

**ORDER GRANTING DEFENDANT, AARON D. MILLER'S, MOTION TO
DISMISS PLAINTIFFS' MOTION FOR NEW TRIAL FOR WANT OF
JURISDICTION**

BE IT REMEMBERED that on October 22, 2009, there came before the Court for hearing the Defendant, Aaron D. Miller's Motion to Dismiss Plaintiffs' Motion for New Trial for Want of Jurisdiction (the Motion). Miller appeared by and through his attorney of record, Carl David Adams, Esquire, and announced ready to proceed. Both Plaintiffs, Darlene Balistreri-Amrhein, Individually, and in her capacity as court-appointed Guardian of co-plaintiff, Anthony J. Balistreri, appeared. The Court heard arguments of the parties and took judicial notice of the

contents of the Court's file. Based on the foregoing, the Court enters the following Findings and Rulings:

THE COURT FINDS that:

1. On August 14, 2009, the Court heard Defendant, Aaron D. Miller's Motion to Dismiss Plaintiffs claims against Miller for Failure to Comply with this Courts Order of July 10, 2009, and entered an Order Granting Defendant Miller's Motion to Dismiss Plaintiffs Claims against Miller for Failure to Comply with this Court's Order of July 10, 2009 (Order of Dismissal).
2. The Order of Dismissal stated, in Paragraph 3, beginning on Page 5 and continuing on the top of Page 6:

All claims set forth in the Plaintiffs' Supplemental Petition and Pleadings filed on or about July 11, 2009 (as well as Plaintiffs' Third Supplemental Pleadings/Petition, filed on or about August 1, 2009), to the extent they purport to state and/or assert a civil action or civil liability claims against Defendant, Aaron D. Miller, for or on behalf of both Plaintiffs Darlene Balistreri-Amrhein, Individually, and Darlene Balistreri-Amrhein in her capacity as court-appointed Guardian of co-plaintiff, Anthony J. Balistreri, are hereby are **SEVERED** into a separate action (with the additional filing fees associated with the opening of such new case to be paid by the two [2] above-described Plaintiffs). The Clerk is **ORDERED** to assign such severed action a separate cause number (the severed action)(although any delay of the Clerk in assigning such separate number to the severed action shall not affect and/or prevent the finality of this Order for purposes of appeal).

3. Despite the above-cited Order of Severance (and its language requiring the Plaintiffs to pay the additional filing fees associated with the creation and opening of a new separate cause number by the Clerk), the Court's file

reveals no information indicating the Plaintiffs have, as ordered, paid any additional filing fees for the creation of a new separate cause number by the Clerk, or that the Clerk has, in fact, created any such new separate cause number and/or assigned the claims of Plaintiffs against Defendant Miller to a new physical file.

4. What is clear from the Order of Dismissal, however, is that the claims of Plaintiffs against Defendant Miller did not remain in and, after August 14, 2009, have not been part of the live pleadings before the Court in cause #429-001145-2008.
5. On August 24, 2009, despite the clear terms ordering a severance of their claims against Defendant Miller from their remaining claims against the other defendants in cause #429-001145- 2008, the Plaintiffs filed Plaintiffs' Motion for New Trial for AHI & Inspector Aaron D. Miller (Motion for New Trial), setting forth alleged reasons why this Court should grant a new trial from this Court's August 14, 2009 Order of Dismissal, in cause #429-001145-2008 (the old cause #).
6. The portion of the Order of Dismissal granting a severance of the Plaintiffs claims against Defendant Miller was effective when signed, regardless of whether the Clerk received the ordered additional filing fees from the Plaintiffs and regardless of whether the Clerk has actually created a

separate physical file with a different cause number for the severed claims of Plaintiffs against Defendant Miller.

7. The filing of the Motion for New Trial by Plaintiffs in cause #429- 001145-2008 (the old cause #) did not extend this Court's plenary jurisdiction over the Order of Dismissal of August 14, 2009, and that Order of Dismissal is now final.
8. This Court only has jurisdiction to enter an order of dismissal regarding the Plaintiffs' Motion for New Trial.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Motion of Defendant, Aaron D. Miller, to dismiss is hereby **GRANTED**, as follows:

1. The Defendant, Aaron D. Miller's Motion to Dismiss Plaintiffs' Motion for New Trial for Want of Jurisdiction is **GRANTED**; and
2. Plaintiffs' Motion for New Trial is **DISMISSED**, because this Court has no jurisdiction to grant the relief requested in the Motion.

Signed this 22nd day of October 2009.



JUDGE PRESIDING

EXHIBIT C-5

original

CAUSE NO. 296-01145-2008

DARLENE BALISTRERI-AMRHEIN,
AND DARLENE BALISTRERI-AMRHEIN
GUARDIAN FOR ANTHONY J. BALISTRERI
Plaintiffs,

IN THE DISTRICT COURT

VS.

REMAX REALTY, ET AL
SALLY DARNELL, KELLY CALKINS
BILL J. WILLIAMS, LAUREN PALMER
OWNERS & OR BROKERS / MANAGERS
JERRY M. RIECHERT AND
LORI K. RIECHERT -PREVIOUS OWNERS
REPUBLIC TITLE OF TEXAS, FIRST
AMERICAN TITLE INSURANCE COMPANY
AMERICAN HOME SHIELD OF TEXAS, INC.
AHI, AARON MILLER, STONEBRIDGE RANCH
HOA, NEWLAND COMMUNITIES,
RTI MANAGEMENT COMPANY ET AL

296TH DISTRICT COURT

Defendants,

COLLIN COUNTY, TEXAS

**PLAINTIFF'S NOTICE OF APPEAL FOR DEFENDANTS AHI &
INSPECTOR AARON D. MILLER & DOCKETING STATEMENT**

To The Honorable Court & Justices:

Comes Now, Plaintiff (Appellant) Darlene C. Balistreri-Amrhein to file Plaintiff's Notice Of Appeal For Defendants'(Appellee) AHI & Inspector Aaron D. Miller & Docketing Statement with Fifth District Court of Appeals in the above styled & numbered cause of action known as 296-01145-2008 timely as this lawsuit was filed on or about May 19, 2008. AHI & Inspector Aaron D. Miller was joined on or about May 14, 2009. Plaintiff asks this portion of this court record be transferred to the Fifth District Court of Appeals at Dallas & this Docketing Statement as attached be considered as to issues presented because there was a final Order dismissing Defendants AHI & Inspector Aaron Miller, a Motion For New Trial was timely filed by Appellant & Judge Roach claimed he had no jurisdiction to decide this motion for new trial.

Respectfully submitted,

Darlene C. Balistreri-Amrhein
Darlene C. Balistreri-Amrhein, Plaintiff, Pro Se &
Legal Guardian for Ward, Anthony J. Balistreri, Plaintiff Pro Se

09 NOV 10 PM 12:57

11/9/09

[Signature]
CLERK OF DISTRICT COURT
COLLIN COUNTY, TEXAS

DOCKETING STATEMENT

Following are reasons for filing this Notice of Appeal & Docketing Statement for consideration :

- 1) AHI and Inspector Aaron D. Miller were hired to inspect the property on April 20, 2007 at 112 Winsley Circle, McKinney, Texas 75071, that Appellant Balistreri-Amrhein & her elderly father (Anthony J. Balistreri) were considering purchasing for \$560,000.00.
- 2) AHI and Inspector Aaron D. Miller did the inspect at the 112 Winsley Circle property on April 20, 2007 & was paid \$505.00 for this inspection with a complete & accurate inspection report expected as ordered, which was not done according to this inspection contract, their advertisement, Texas Occupation Code, Texas Real Estate Commission Rules & Texas Laws.
- 3) Defendants AHI and Inspector Aaron D. Miller, as "indispensable parties" were joined to this lawsuit known as Cause No. 296-01145-2008 & or 429-01145-2008 on May 14, 2009, because of continuing discovery of property issues that were not revealed by these Defendants from foundation to roof, both inside & out, that demonstrated breaches & misrepresentations of this inspection that Appellant Balistreri-Amrhein relied upon in purchasing this property on May 22, 2007.
- 4) This lawsuit was transferred from the 296th District Court in Collin County Texas to the 429th District Court in Collin County Texas on or about January 1, 2009 when Judge Willis was appointed to this Court for distribution of cases & workload at the courthouse.
- 5) The 429th District Court would not hear most of Appellant Balistreri-Amrhein's motions & the clerk would not set these motions for hearings, while ignoring the fiat hearing attachments for which they are liable for lack of duty owed as county workers.
- 6) Appellant Balistreri-Amrhein's motion for continuance with "good cause" reasons filed June 8, 2009 was ignored following the termination of Attorney Linda Risinger for delaying

2.

discovery, refusing to work & being untruthful with Plaintiff & others.

7) Attorney Risinger was withdrawn on June 5, 2009 without the \$700.00 sanction, (Judge Willis was her friend.) after she was on the job since April 8, 2009, with a filed appearance on May 5, 2009.

8) Appellant's Motion for Continuance was refused to be heard from June 8, 2009 through July 10, 2009 by the 429th Court, which was the cause of the invalid & arbitrary Order on July 10, 2009 & August 14, 2009.

9) On July 10, 2009, after several failed attempts to be heard, Judge Willis would only hear AHI & Inspector Aaron D. Miller on "special exceptions," knowing Appellant Balistreri-Amrhein was having to leave town for 12 days on out of state legal business, which Judge Willis would not even hear or consider Appellant's issues, so she signed an Arbitrary Order without reading it & without any consideration or hearing on July 10, 2009.

10) July 10, 2009, Judge Willis Ordered Plaintiff Balistreri-Amrhein to file all her Summary Judgment Responses for 3 other Defendants within less than 24 hours and to file an "Amended Pleading" knowing Appellant was having to leave town within 2 days, would be traveling more than 1,000 miles away, without any court records, without any access & extended time on a computer, without access to Texas Laws for 12 days & she Ordered this within 10 days for Appellant to comply by July 20, 2009.

11) Appellant Balistreri-Amrhein complied the best she could with only memory & less than an hour at a library computer in Wisconsin, with no records, & she titled this document as "Supplemental Pleadings" adding all filed Defendants as indicated was necessary by Judge Willis & sent it to the Court on or about July 16, 2009 timely.

12) The reason the word "Amended Pleadings" was not used was because the information

would have been incomplete under these burdensome circumstances without documents & time to prepare & that upon return Appellant would revise this information to "Amended Pleadings."

13) On or about July 16, 2009 Appellant Balistreri-Amrhein also filed a Motion To Recuse Judge Willis for the question of bias and or prejudice according to TRCP 18a & TRCP 18b that was discovered & became so obvious on July 10, 2009 .

14) Appellant upon return on July 25, 2009, also learned that Judge Willis had denied her own Motion For Recusal & signed her Order on July 17, 2009 without a recusal hearing in violation of TRCP 18a & TRCP 18b.

15) Upon return to Texas, Appellant Balistreri-Amrhein was informed that a hearing was set for August 14, 2009 on the issue of these filed "pleadings," so she hired Attorney Clifford Weinstein to handle this lawsuit, who filed an "amended pleadings" that was incomplete without facts, while taking her & her father's money of \$2,000.00, so Appellant filed another corrected amended pleading prior to August 14, 2009, which Judge Willis did not know about & did not even consider because she did not look at the docket & the filings.

16) There was no recusal hearing conducted on Judge Willis' Motion For Recusal, yet she continued to hear this case on behalf of AHI and Inspector Aaron D. Miller on August 14, 2009.

17) Appellant was not allowed to testify or offer any evidence at this August 14, 2009 hearing & Judge Willis joked about Appellant from the bench with Appellee / Defendants attorneys, while Attorney Weinstein did nothing.

18) Judge Willis signed an Order dismissing AHI & Inspector Aaron D. Miller claiming Appellant had not filed any "amended pleadings" timely, & that she had intended to disobey her Court Order, which was all false as reflected by this court record & court filings.

19) On August 15, 2009 Attorney Clifford Weinstein was terminated for various misconduct &

taking Appellant's & her father's money without proper legal representation as Appellant learned he had taken the \$2,000.00 on Friday August 7, 2009, cashed the check on Saturday August 8, 2009 & withdrew without notice to Appellant & her father on August 10, 2009, which explained all his misconduct & refusing to turn over all Appellant's documents & Orders in this case.

20) On August 17, 2009, Appellant Balistreri-Amrhein gave detailed notice about misconduct by Attorney Weinstein & his specific termination notice to the Court, but it is ignored.

21) Appellant Balistreri-Amrhein also filed a second Motion To Recuse Judge Willis under TRCP 18a and TRCP 18b for the question of bias, prejudice, & lack of being heard, while continuing under the 1st Recusal motion, & signing invalid & Arbitrary Orders, while it was abuse of discretion.

22) Judge Willis would not withdraw Attorney Weinstein until a hearing on September 11, 2009 & she signed an invalid Attorney Weinstein Order on September 14, 2009 that did not represent what went on during this withdrawal hearing & this was also a reason to delay Appellant Balistreri-Amrhein's filed Motion for New Trial for AHI & Inspector Aaron D. Miller from being set for any hearing with any decision in retaliation for the 2 recusal motions.

23) On or about August 24, 2009, Appellant Balistreri-Amrhein filed a Motion For New Trial for Defendants AHI and Inspector Aaron D. Miller, but again was refused to be set for any hearing by the 429th District Court clerk with the fiat hearing attached.

24) On August 28, 2009 a recusal hearing was set for the Motion To Recuse Judge Jill Willis, which was 14 days after she continued to proceed & sign an invalid Order on August 14, 2009 For AHI & Inspector Aaron D. Miller, but Appellant Balistreri-Amrhein was not notified about this hearing by the court clerk, the court & Attorney Weinstein, so she did not appear & the

hearing had to be rescheduled until September 4, 2009.

25) Visiting Judge Fry was stricken on September 4, 2009 & the substitute Judge Mays was recused due to having dealings with Appellant in the past on a same or similar transaction which he failed & compromised mediation in the past, but he refused to step aside for a new judge.

26) Judge Mays refused his own recusal motion & continued in this September 4, 2009 hearing.

27) Judge Willis testified in court stating she did not know the parties, this case, the issues, she did not look at the record or docket, she was aware of all Appellant's motions not heard, she denied her own recusal, she continued in this case & signed the Order on August 14, 2009 for AHI & Inspector Aaron D. Miller in violation of TRCP 18a & TRCP 18b, which she was not clearly familiar with for sometime.

28) Judge Mays signed an invalid Order denying the recusal of Judge Willis & made his invalid Order retro-active for the July 17, 2009 recusal denied motion to protect the AHI & Inspector Miller August 14, 2009 invalid Order.

29) Appellant Balistreri-Amrhein timely objected & filed for "finding of fact & conclusion of law" with no response from the 429th Court and no response from Judge Mays & he never had any recusal hearing either.

30) On September 11, 2009 at the withdrawal hearing for Attorney Weinstein, Judge Willis informed Appellant Balistreri-Amrhein that she was voluntarily recusing herself immediately & then she continued to sign the September 14, 2009 Order to withdraw Attorney Weinstein under invalid reasons against the acts & issues before the court. Appellant timely objected to this invalid & incorrect Order, but this was also ignored.

31) Administrative Judge Oldner reassigned & transferred this lawsuit back to Judge Roach on September 18, 2009 & all of Judge Willis's actions were cancelled, except for her invalid

hearings & Orders on August 14, 2009 & September 14, 2009.

32) Judge Roach had motions rescheduled to be heard on October 22, 2009, which was a hearing of more than 20 motions that were not heard for 9 months of ignoring this lawsuit by Judge Willis & Appellant Balistreri-Amrhein was blamed for the mess done to this case by Judge Roach.

33) Defendant / Appellee AHI and Inspector Aaron D. Miller, through their counsel Attorney Carl Adams, claimed that Judge Roach had lost jurisdiction knowing that the motion for new trial was timely filed and transferred in this lawsuit & that the termination, firing & withdrawal of Attorney Weinstein was purposely held by the 429th court to prevent this motion from being heard, as Attorney Weinstein had communicated with Attorney Adams in retaliation for his firing & to prevent the motion for new trial not to be considered & heard as they run the jurisdictional clock to destroy Appellant's legal remedy.

34) Judge Roach claimed on October 22, 2009 that Judge Willis should not have signed a denial of her own recusal motion on July 17, 2009 without a hearing, but if Judge Ovard does a recusal denial for Judge Willis without any written Order it is OK, which is a violation of TRCP 18a & TRCP 18b, which Appellant timely objected to.

35) Judge Roach claimed the August 14, 2009 Order is valid & he would not vacate this Order, because he lost jurisdiction of Defendant / Appellees' AHI & Inspector Miller, which Appellant timely objected to & it is a violation of Texas Rules of Civil Procedure TRCP 18a & TRCP 18b.

36) Appellant Balistreri-Amrhein objected timely and believes TRCP 18a & TRCP 18b has been violated in this case, since July 16, 2009 without any valid recusal hearings by any valid judge & that when this court record transferred, it was the whole record, including Appellees AHI & Inspector Miller & the filed motion for new trial.

- 37) Appellant Balistreri-Amrhein believes Judge Willis cannot act with bias & prejudice toward Plaintiff / Appellant, as one party, hear only Appellee / Defendants AHI & Inspector Miller motions & refuse to set Appellant's motions or hold filed fiat hearings to prevent decisions.
- 38) Judge Willis can't cause delays for withdrawal of Attorney Weinstein & his misconduct to prevent issues from being heard & filed with Appellant & Appellee AHI & Inspector Miller.
- 39) Judge Willis can't exhaust proper jurisdiction for Appellee AHI & Inspector Miller to prevent a motion for new trial in order to destroy Appellant's lawsuit in retaliation for her 2 justified recusal motions as filed.
- 40) The motion for new trial extended out the jurisdiction of this issue to Judge Roach, when this court record was transferred to him, which he refused to hear & decide on October 22, 2009.
- 41) Appellant believes Judge Willis & Attorney Weinstein cannot act and conspire against Appellant to prevent a legal remedy in this lawsuit & participate in the destruction of Appellees' AHI & Inspector's duty owed to Appellant for breaches, misrepresentations & legal remedy.
- 42) Appellant believes Judge Roach can't refuses to sanction Attorney Weinstein for this misconduct, claiming the State Bar of Texas should do it, as Attorney Weinstein has destroyed a portion of this case by his misconduct & refusal to return Appellant's records, while destroying this case against Appellees AHI & Inspector Miller by delays & retaliation with the aid of some Judges, who decided to commit errors. Recusal & cover up should not prevent Appellant's case.
- 43) Appellant believes that Judge Willis cannot aid the known misconduct of Attorney Weinstein as an officer of the Court, to delay & destroy this legal remedy, while under 2 valid recusal motions as she closed the courtroom door on Plaintiff / Appellant with the aid of other judges & her conduct was with bias, prejudicial & inappropriate conduct for a judge.
- 44) Appellant believes that if the Motion for New Trial was not valid due to the interference of

Judge Willis & Attorney Weinstein for their each individual misconduct, then the lack of jurisdiction & all associated invalid Arbitrary Orders with Appellees AHI & Inspector Aaron Miller should be reversed & remanded back for further proceedings in this case due to abuse of Discretion, because as indispensable parties were dismissed in error & by multiple misconducts.

45) Judge Willis on August 14, 2009, while under a recusal motion did not take Appellant's testimony, did not allow Appellant to present any evidence, but took the time to demean & ridicule Appellant from the bench, she never read the AHI & Inspector Order she was signing.

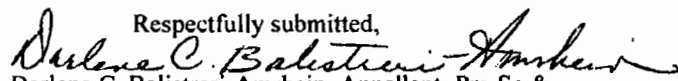
46) Judge Willis never read the Order she signed on September 14, 2009, as she withdrew Attorney Weinstein & he too continued in this lawsuit to work against Appellant with Attorney Carl Adams as counsel for Appellee AHI & Inspector Miller to dispose of this case & Appellant's legal remedy.

47) The invalid August 14, 2009 Order was not an Interlocutory Order, but it was a Final Order & Judge Roach claimed he lost jurisdiction even though he had the whole court record, which included the Motion For New Trial, while Attorney Weinstein withheld the invalid Order.

48) Appellant Balistreri-Amrhein is still trying to recover all her documents from Attorney Weinstein through the State Bar, as this 296th Court will do nothing with him, as he continues to retaliate. As of October 22, 2009 with Attorney Weinstein has communicated with Attorney Adams, & Appellant continues to be defamed and or prevented from any legal remedy as the Court prevented hearing the motion for new trial & not vacating the July 10, 2009, August 14, 2009 & September 14, 2009 Orders to prevent Appellant's legal remedy with AHI & Inspector Aaron D. Miller as Defendants & Appellees. Appellant is not responsible for the misconduct of Attorney Weinstein. Courts should not have delayed or protected this misconduct disclosed. Appellant is not responsible for judges' misconduct, errors & clerk's not performing their duties.

IN CONCLUSION AND PRAYER

Appellant Balistreri-Amrhein asks the Court of Appeals to examine this lawsuit & Court Record, to accept this Notice of Appeal & to make a decisions based on Texas Laws, the Texas Rules of Civil Procedure, Texas Rules of Appellate Procedure & Texas & United States Constitutions after examination of the parties briefs. Recusals, withdrawals & transfer of this case is not an excuse to not hear the issues in this case, to run the jurisdiction and or to prevent "due process," while covering up misconduct judicial & attorneys misconduct causing reversible errors. Appellant can't get a straight answer as to why Judge Roach does not have jurisdiction & why issues are not heard timely in these Courts, so to timely protect Appellant's constitutional rights this Notice of Appeal is being filed for consideration & rulings on all errors. Appellant paid court costs for a working unbiased trier of fact with knowledge of Texas Laws & enforcement of those applicable Texas Laws. Judge Roach would not even accept the original Probate Orders presented & a second Order has been presented to him from the Probate Court as he claims no jurisdiction on this transferred case. Judge Willis would not set Appellant's hearings, committed 9 months of errors & Attorney Weinstein & Judge Willis worked to run the jurisdiction clock with no testimony, no opportunity to present evidence & with no copy of these unreasonable arbitrary orders turned over on for these Defendants / Appellees, while Judge Willis was under a recusal motion with no hearing for bias & prejudice with multiple errors & no fairness & no justice. Appellant(s) Prays For Fairness, Justice & Appeal !

Respectfully submitted,

Darlene C. Balistreri-Amrhein, Appellant, Pro Se &
Legal Guardian for Ward, Anthony J. Balistreri,
Plaintiff Pro Se, 112 Winsley Circle
McKinney, Texas 75071 11/9/09

VERIFICATION / AFFIDAVIT
CAUSE NO. 296-01145-2008

STATE OF TEXAS

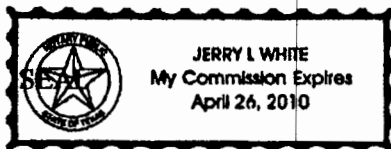
COUNTY OF COLLIN

BEFORE ME, the undersigned Notary Public on this day personally appeared Plaintiff Darlene C. Balistreri-Amrhein, who on her sworn oath, deposed & said she prepared & signed Plaintiff's Notice Of Appeal For Defendants' AHI & Inspector Aaron D. Millert *Guardian for Anthony J. Balistreri* **QBA**

This information and attached exhibits as referenced & stated within is true and correct and of Darlene C. Amrhein's own personal knowledge to the best of her ability and is documented as true and correct as filed under penalty of perjury.

Darlene C. Balistreri-Amrhein
Darlene C. Balistreri- Amrhein, Plaintiff, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME ON 2ND NOV, 2009 to certify which witness my hand and official seal.



Jerry L. White
Notary Public of Texas
JERRY L WHITE
Printed Name of Notary Public

My Commission Expires 4-26-2010

CERTIFICATE OF SERVICE

A true and correct copy of Plaintiff's Notice of Appeal For Defendants AHI & Aaron D. Miller & Docketing Statement has been presented in person, certified or by priority metered mail as notice of filing on or about November 9, 2009 to the following parties:

Court of Appeals
Fifth District of Texas at Dallas
600 Commerce Street, 2nd Floor
Dallas, Texas 75201

Certified # 7009 0820 0000 4787 4332

296th District Court
2100 Bloomdale Road
Mc Kinney, TX 75071

IN PERSON

Attorney J. Kent Newsom
6465 East Mockingbird LN. # 450
Dallas, TX 75214

Priority Metered Mail

Attorney Barry Fanning
4849 Greenville Ave. # 1300
Dallas, TX 75206

Priority Metered Mail

Attorney Rick Hightower
1700 Pacific Ave. # 4450
Dallas, TX 75201

Priority Metered Mail

Attorney Leonard Epstein
700 N. Pearl St. # 1650
Dallas, TX. 75201

Priority Metered Mail

Attorney Carl David Adams
6060 N. Central Expressway # 690
Dallas, TX 75206

Priority Metered Mail

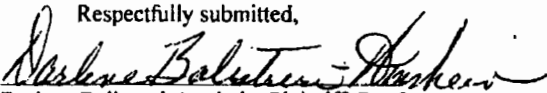
Attorney Greg Smith
2800 Post Oak Blvd 57th Floor
Houston, TX 77056

Priority Metered Mail

Attorney Richard Abernathy
1700 Redbud Blvd. Suite 300
McKinney, TX 75069

Priority Metered Mail

Respectfully submitted,


Darlene Balistreri-Amrhein, Plaintiff, Pro Se

11/9/09

EXHIBIT C-6

CASE: 05-09-01377-CV

Case:

05-09-01377-CV

Date Filed:

11/12/2009

Case Type:

Miscellaneous civil

Style:

Balistreri-Amrhein, Darlene C.

v.:

AHI & Inspector Aaron D. Miller

Orig Proc:

No

Transfer From:

Transfer In:

Transfer Case:

Transfer To:

Transfer Out:

Pub Service:

APPELLATE BRIEFS

Date	Event Type	Description	Document
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Date	Event Type	Description	Document
02/10/2012	Brief filed - oral argument not requested	Appellee	
02/09/2012	Brief filed - oral argument not requested	Appellee	
02/02/2012	Brief filed - oral argument not requested	Appellee	
01/11/2012	Brief filed - oral argument not requested	Appellee	
12/28/2011	Brief filed - oral argument not requested	Appellee	
12/12/2011	Brief filed - oral argument requested	Appellant	
12/12/2011	Appendix filed	Appellant	

CASE EVENTS

Date	Event Type	Disposition	Document	
07/25/2013	Order entered	Motion or Writ Denied	[PDF/114 KB] Order on Motion for Recc	
			[PDF/101 KB] Notice	
07/11/2013	Motion filed		[PDF/26.86 MB] ProSe Motion Filed	
07/01/2013	Order entered	Motion or Writ Denied	[PDF/120 KB] Order on Motion to Keep	
			[PDF/99 KB] Notice	
06/25/2013	Fee requested		[PDF/72 KB] Notice	
06/24/2013	Motion received		[PDF/5.23 MB] Appellant Motion to Kee	
06/19/2013	Mandate issued		[PDF/23 KB] Mandate Issued	
			[PDF/102 KB] Notice	
05/10/2013	Order entered			
01/28/2013	Notice received		[PDF/64 KB] Notice Received	
12/14/2012	Petition for review disposed by Supreme Court	Motion or Writ Denied		
12/04/2012	Order entered	Motion or Writ Denied	[PDF] denial of mt to transfer	
			[PDF/111 KB] Notice	
09/28/2012	Petition for review filed in Supreme Court			
09/24/2012	Motion to transfer filed		[PDF/131 KB] Motion to Transfer	
09/04/2012	Opinion to Publishers			
08/29/2012	Motion for Rehearing Disposed	Motion or Writ Denied		
08/29/2012	Motion for Rehearing Disposed	Motion or Writ Denied	[PDF/19 KB] Motion for Rehearing Disp	
08/14/2012	Motion for Rehearing Filed			
07/31/2012	Record Retention	Destroy		

Date	Event Type	Disposition	Document
07/31/2012	Memorandum issued	opinion Affirmed	
07/02/2012	Letter Filed		
05/24/2012	Letter Filed		
04/11/2012	Submitted		
02/29/2012	Letter Received		
02/14/2012	Submission		
02/14/2012	Reply Brief Filed		
02/10/2012	Brief Due		
02/10/2012	Brief filed - oral argument not requested		
02/09/2012	Supplemental Record Filed	Clerk's	
02/09/2012	Brief filed - oral argument not requested		
02/09/2012	Case ready to be set		
02/07/2012	Letter Sent by the Court		
02/02/2012	Brief filed - oral argument not requested		
01/17/2012	Response to Motion		
01/12/2012	Motion to File Disposed	Motion or Writ Granted	
01/11/2012	Brief filed - oral argument not requested		
01/11/2012	Brief Due		
12/30/2011	Mot. for Ext. File Brief Disp.	Motion or Writ Granted	
12/30/2011	Letter Received		
12/29/2011	Mot. for Ext. to File Brief		
12/29/2011	Mot. for Ext. File Brief Disp.	Motion or Writ Granted	
12/29/2011	amended brief due		
12/28/2011	Motion for Leave to File		
12/28/2011	Certificate of Conference filed		
12/28/2011	Brief filed - oral argument not requested		
12/22/2011	Mot. for Ext. to File Brief		
12/21/2011	Letter Received		
12/20/2011	Mot. for Ext. File Brief Disp.	Motion or Writ Granted	
12/19/2011	Mot. for Ext. to File Brief		
12/19/2011	Defective Brief Notice		
12/13/2011	Brief Due		
12/12/2011	Brief filed - oral argument requested		
12/12/2011	Appendix filed		
12/08/2011	Letter Filed		
12/06/2011	Appearance of counsel		
11/28/2011	Letter Received		

Date	Event Type	Disposition	Document
11/03/2011	Letter Received		
11/02/2011	Mot. for Ext. File Brief Disp.	Motion or Writ Granted	
10/31/2011	Mot. for Ext. to File Brief		
10/24/2011	Notice to appellant that brief is late		
10/24/2011	Letter Received		
09/30/2011	Brief Due		
09/28/2011	Motion to File Disposed	Motion or Writ Denied	
09/16/2011	Motion for Leave to File		
09/09/2011	Motion to Compel Disposed	Motion or Writ Denied	
09/07/2011	Letter Received		
08/31/2011	Reporter's Record Filed		
08/24/2011	Clerk's Record Filed		
08/23/2011	Motion to Compel		
08/03/2011	Letter Filed		
08/01/2011	Opinion to Publishers		
07/28/2011	Order Entered	Otherwise Disposed	
07/26/2011	Motion to File Disposed		
07/26/2011	Motion to File Disposed	Motion or Writ Denied	
07/14/2011	Motion for Leave to File		
07/06/2011	Order Entered	Otherwise Disposed	
07/06/2011	Motion to File Disposed	Motion or Writ Denied	
07/06/2011	Memorandum Opinion	Motion or Writ Denied	
03/04/2011	Response to Motion		
03/04/2011	Response to Motion		
02/25/2011	Supplemental Record Due		
02/21/2011	Supplemental Reporter's Record Filed		
02/18/2011	Clerk's Record Filed		
02/16/2011	Order Entered	Otherwise Disposed	
02/16/2011	Letter Sent by the Court		
01/12/2011	Letter Sent by the Court		
01/06/2011	Letter Received		
09/13/2010	Letter Brief or Quotations of Authority		
09/08/2010	Letter Brief or Quotations of Authority		
08/25/2010	Jurisdictional Brief Due		
08/24/2010	Response to Motion	{NONE}	
08/11/2010	Letter Sent by the Court		
08/03/2010	Clerk Record Due		
07/27/2010	Notice to Party's that Clerk's Record Not Paid		
07/26/2010	Letter Filed		
07/19/2010	Order Entered	Otherwise Disposed	

Date	Event Type	Disposition	Document
07/15/2010	Response to Motion		
06/23/2010	Letter Filed		
06/21/2010	Letter Received		
06/17/2010	Order Entered	Otherwise Disposed	
06/17/2010	Motion to Reinstate Appeal	Motion or Writ Granted	
05/25/2010	Letter Received		
05/21/2010	Motion for Leave to File		
05/21/2010	10.00 Fee Paid		
05/11/2010	Letter Filed		
04/21/2010	Letter Received		
04/14/2010	10.00 Fee Due		
04/08/2010	Motion to Reinstate Appeal		
12/18/2009	Order Entered	Abated	
12/18/2009	Letter Received		
12/16/2009	Suggestion of Bankruptcy		
12/16/2009	amended notice of appeal due		
11/16/2009	Defective Notice of Appeal Filed		
11/16/2009	Docketing Statement Notice		
11/16/2009	\$175 filing fee due		
11/12/2009	Notice of appeal filed in court of appeals		
11/12/2009	Notice of appeal filed in court of appeals		
11/10/2009	Notice of appeal filed in trial court		

CALENDARS

Set Date

06/19/2013

07/30/2018

Calendar Type

Case Stored

Status

Reason Set

Case stored

Destroy record

PARTIES

Party

PartyType

Representative

Party	PartyType	Representative
AHI & INSPECTOR AARON D MILLER	Appellee	J. Kent Newsom Rick W. Hightower Justin Jenkins Pamela W. Montgomery Richard M. Abernathy Carl David Adams Barry H. Fanning Dawn Shree Holiday Jeffrey D. Roberts Ross Wells
Balistreri-Amrhein, Darlene C.	Appellant	Darlene C. Balistreri-Amrhein

TRIAL COURT INFORMATION

Court	
296th Judicial District Court	
County	
Collin	
Court Judge	
Honorable John Roach	
Court Case	
296-01145-2008	
Reporter	
Collin Court Reporter, 296th District Court	
Punishment	

To view or print PDF files you must have the Adobe Acrobat® reader. This software may be obtained without charge from Adobe. Download the reader from the Adobe Web site

EXHIBIT K-1

3/26/2018

cijspub.co.collin.tx.us/CaseDetail.aspx?CaseID=458574

Skip to Main Content Logout My Account Search Menu New Civil & Family Search Refine Search Back

Location : All Civil & Family Courts Help

REGISTER OF ACTIONS**CASE No. 296-01145-2008**

Darlene Balistreri-Amrhein, Anthony J Balistreri vs. Sally Darnall, Kelly
 Calkins, Bill J Williams, Jerry M Riechert, Lori K Riechert, Remax Realty,
 Lauren Palmer, Lauren Palmer, Republic Title Of Texas, First American
 Title Insurance Company, American Home Shield Warranty (Ahs),
 Stonebridge Ranch Homeowners Association, Newland Communities Et
 Al, Cma Management Co., Community Management Associates Et Al, Mr.
 Aaron D Miller, Ahi Construction Consultants, Aaron Homes Inspections
 Et Al, Murphy Homes Group, Thomas Murphy

Case Type: **OLD Other Civil Cases - District**
 Date Filed: **05/19/2008**
 Location: **296th District Court**
 Case Number History: **429-01145-2008**
296-01145-2008
 Appeal: **05-09-01377-CV**

RELATED CASE INFORMATION**Related Cases**

296-04897-2009 (Severed)

PARTY INFORMATION

Defendant	Lead Attorneys
American Home Shield Warranty (Ahs)	Leonard A Epstein Retained 214-754-0025(W)
Calkins, Kelly	J Kent Newsom Retained 214-739-1000(W)
Cma Management Co., Community Management Associates Et Al	Christopher A Payne Retained 972-284-0731(W)
Darnall, Sally	J Kent Newsom Retained 214-739-1000(W)
First American Title Insurance Company	Rick W Hightower Retained 214-220-4700(W)
Mr. Aaron D Miller, Ahi Construction Consultants, Aaron Homes Inspections Et Al	Carl David Adams Retained 214-468-3032(W)
Murphy Homes Group	James W. Rudnicki Retained 817-274-5992(H)
Murphy, Thomas	James W. Rudnicki Retained 817-274-5992(H)
Palmer, Lauren	J Kent Newsom Retained 214-739-1000(W)
Palmer, Lauren	J Kent Newsom Retained 214-739-1000(W)
Remax Realty	J Kent Newsom Retained 214-739-1000(W)
Republic Title Of Texas	Rick W Hightower Retained 214-220-4700(W)

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Defendant Riechert, Jerry M**Barry H Fanning**
Retained
214-369-1300(W)**Defendant** Riechert, Lori K**Barry H Fanning**
Retained
214-369-1300(W)**Defendant** Stonebridge Ranch Homeowners
Association, Newland Communities Et Al**Jeffrey D Roberts**
Retained
713-840-9404(W)**Defendant** Williams, Bill J**J Kent Newsom**
Retained
214-739-1000(W)**Plaintiff** Balistreri, Anthony J**Pro Se****Plaintiff** Balistreri-Amrhein, Darlene**Pro Se****EVENTS & ORDERS OF THE COURT****DISPOSITIONS**

08/02/2012 **Dismissed** (Judicial Officer: Roach, John R., Jr.)
Party(Balistreri-Amrhein, Darlene; Balistreri, Anthony J)
Comment (Court Ordered case Dismissed in 3 prior Orders signed: 03/25/09; 09/22/10; & 10/04/10 --- Orders scanned together and case closed)

06/20/2013 **Mandate** (Judicial Officer: Roach, John R., Jr.)
Party(Balistreri-Amrhein, Darlene; Balistreri, Anthony J)
Comment (judgment of trial court Affirmed-5th COA)

OTHER EVENTS AND HEARINGS

05/19/2008 **Plaintiff's Original Petition (OCA) \$298.00**
05/19/2008 **Request for Citation \$8.00**
05/19/2008 **Citation**
Mailed to Plaintiff/to be served out of Collin County
ReMax Realty
Served 05/29/2008
Response Received 05/29/2009
Returned 05/30/2008

05/21/2008 **Response**
Service of the Parties

06/02/2008 **Plaintiff's**
Notice of Being Out Of State From 7/1/08 Through 7/13/08

06/23/2008 **Original Answer**
Remax, Sally Darnell, Kelly Calkins, & Bill Williams

07/21/2008 **Plaintiff's**
Req Abatement In THis Case For Good Cause Reasons & Completed Service & Mot Extension Time Discovery

07/24/2008 **Response**
of Defendants, Remax Realty, Sally Darnell, Kelly Calkins, & Bill Williams Motion to Extend Time

07/31/2008 **Hearing (9:00 AM)** (Judicial Officer Roach, John R., Jr.)
Plea In Abatement & Motion to Extend Discovery Deadline

07/31/2008 **Plaintiff's**
Motion to Join Parties to this Lawsuit

07/31/2008 **Plaintiff's**
Supplements to Pleadings and Petition

07/31/2008 **General Docket Entry**
H/Abate granted under DTPA.

07/31/2008 **Letter**
Demand

08/13/2008 **Request for Citation \$8.00**
X 2

08/13/2008 **Certificate**
of Service

08/13/2008 **Citation**
Riechert, Jerry M
Riechert, Lori K
Unservd
Unservd

09/05/2008 **Original Answer**
Jerry and Lori Riechert

09/30/2008 **Notice**
Change of Address

10/02/2008 **Plaintiff's**
Motion to Temporarily Lift The Court Ordered Abatement and Reinstate the Case and Planitffs' Motion to Join Significant Parties to this Lawsuit
with Name Change to Remax North Central

10/30/2008 **Hearing (9:00 AM)** (Judicial Officer Roach, John R., Jr.)

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Motion to Lift Abatement & Join Parties

10/30/2008 **Plaintiffs**
supplement to Pleading and pet and Ptf Relevant Important docs & Witness List

10/30/2008 **Response**
of def Remax Realty, sally Damell Kelly Calkins and Bill Williams to Ptf Mot to Lift Abatemnt

10/30/2008 **General Docket Entry**
M/Lift Abatement. Granted. JT set for July 20, 2009 at 9 a.m. if jury fee paid. If no jury fee paid case set for TBC on July 27, 209 at 9 a.m.

10/30/2008 **Jury Fee Paid \$40.00**

10/30/2008 **Order**
denying plaintiffs' motion to temporarily lift abatement

10/31/2008 **Request for Citation \$8.00**

10/31/2008 **Plaintiffs**
supplemental parties joined to this lawsuit with exhibits a&b attached supplements to pleadings and petition

10/31/2008 **Plaintiffs**
Witness List & Possible Designated Experts and Plaintiff Sales Contracts, Title Policy, Warenty Deedm,Affi & Some Relevant Evidence

10/31/2008 **Plaintiffs**
Documents Submitte Into the Court Record

10/31/2008 **Citation**
Palmer, Lauren
Republic Title of Texas
First American Title Insurance Company
Unservd
Unservd
Unservd

10/31/2008 **Address Change**
notice of correction of change of address - J. Kent Newsom

11/03/2008 **Certificate of Deposition (Bill of Cost Form)**
Stonebridge Ranch Community

11/05/2008 **Correspondence**

11/21/2008 **Original Answer**
Subject to its Motion to Abate

11/21/2008 **Original Answer**
and Request for Disclosure

11/21/2008 **Motion**
to Abate

11/24/2008 **Original Answer**
Lauren Palmer

12/09/2008 **Ord Transfer to Another (Collin Co.) Judicial District Court**

12/12/2008 **Plaintiffs**
Corrected Supplements to Pleadings, Petitions

01/26/2009 **Motion**
for protective order and court intervention on some discovery

01/28/2009 **Motion**
to Compel Depositions of Plaintiffs

01/28/2009 **Court Admin Correspondence**
FAX/Email Rec'd by the Court

01/29/2009 **Letter**

01/29/2009 **Motion**
Defendant's Republic Title of Texas, Inc. & First American Title Insurance Company's Motion to Compel Depositions of Plaintiffs.

01/29/2009 **Court Admin Correspondence**
FAX/Email Rec'd by the Court

02/02/2009 **Hearing (9:00 AM) (Judicial Officer Willis, Jill)**
On Protective Order

02/02/2009 **General Docket Entry**
Order denying in part and granting in part Plaintiff's Motion for Protection

02/02/2009 **Order**
Denying in Part & Granting in Part Plaintiff's Mtn for Protection

02/03/2009 **Deputy Reporter Statement**

02/09/2009 **Plaintiffs**
objections to scheduled deposition, request deemed admissions, mot to suppress this deposition & other Issues

02/11/2009 **Request for Citation \$8.00**
Qty.1

02/11/2009 **Plaintiffs**
Joins American Home Shield of Texas, INC. to the above titled and numbered lawsuit through the 429th district court in Collin County, Texas

02/11/2009 **Citation**
American Home Shield Warranty (AHS)
Unservd

02/11/2009 **Plaintiffs**
joins american home shield of texas inc. to this above ...

02/26/2009 **Letter**
Cover

02/26/2009 **Motion**
First American Title Ins Co's & Republic Title of Texas, Inc.'s Motion for Protection from Discovery & Motion for Sanctions

03/05/2009 **Plaintiffs**
Plaintiffs Objections and Responses to First American Title Insurance Company's and Republic Title of Texas Inc.'s Motion for Protective From Discovery & Motion for Sanctions

03/05/2009 **Plaintiffs**
Motion to Modify the Discovery Plan by Court Approval & Withdraw Interrogatories to Defendants for "Good Cause" & Compel Discovery & Sanctions

03/06/2009 **Original Answer**
and Special Exception

03/09/2009 **Defendant's**
Jerry M. Riechert and Lori K. Riechert's First Amended Original Answer and Special Exceptions

03/12/2009 **Letter**
Hearing 03262009

03/16/2009 **Objection**
Plaintiff's supplemental additional damages, additional evidence and other relevant information or this lawsuit and plaintiff's objection to motion for sanction

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03/16/2009 **Plaintiffs**
Supplements to the original filed petition and all other filed supplement pleadings/petitions, to clarify specific allegations & legal theories for each defendant to this filed lawsuit, including newly joined American Home Shield of Texas, Inc. with objections to defendant's special exceptions

03/18/2009 **Certificate of Deposition (Bill of Cost Form)**

03/26/2009 **Hearing** (9:00 AM) (Judicial Officer Willis, Jill)
Defendant American Home Shield Inc.'s Special Exception Attorney Epstein

03/26/2009 **Hearing** (9:00 AM) (Judicial Officer Willis, Jill)
Defendant Riechert Special Exceptions

03/26/2009 **Amended Petition**
Plaintiffs Amended Petition

03/26/2009 **General Docket Entry**
Hearing on Def. Reichart's Special Exceptions to Pl's Amended Petition; Def. American Home Shield's Special Exceptions; MOOT given amended pleading filed this morning; D will file amended special exceptions.

04/08/2009 **CANCELED Hearing** (9:00 AM) (Judicial Officer Willis, Jill)
*Per Judge
 Pro Se to Retain Attorney; New Party to Case
 04/08/2009 Reset by Court to 04/08/2009*

04/29/2009 **Motion**
Jerry Riechert and Lori Reichert's No-Evidence Motion for Summary Judgement

04/30/2009 **Motion**
to Compel

05/06/2009 **Notice of Appearance**

05/07/2009 **Motion**
For Scheduling Order

05/07/2009 **Letter**
Cover

05/07/2009 **Motion for Summary Judgment**
of Defendants, Remax Realty, Sally Darnall, Kelly Calkins, Bill Williams and Lauren Palmer

05/07/2009 **Letter**

05/08/2009 **Amended Answer**
first amended original answer of defendants, Rexam Realty, Sally Darnall, Kelly Calkins Bill J. Williams and Lauren Palmer

05/08/2009 **Affidavit**
certifying rejection of settlement offer

05/11/2009 **Motion for Summary Judgment**
First Amended No-Evidence Motion

05/14/2009 **Motion**
to join

05/14/2009 **Request for Citation \$8.00**
x3, see l1st

05/14/2009 **Citation**
 Stonebridge Ranch Homeowners Association, Newland Communities et al Unserved
 CMA Management Co., Community Management Associates et al Unserved
 Mr. Aaron D Miller, AHI Construction Consultants, Aaron Homes Inspections et al Unserved Response Received 05/29/2009

05/19/2009 **Letter**

05/26/2009 **Motion for Summary Judgment**

05/26/2009 **Letter**
cover

05/29/2009 **Original Answer**
and Special Exceptions of Dft., Aaron D. Miller dba AHI Construction Consultants and Aaron's Home Inspections

05/29/2009 **Original Answer**
and Special Exceptions of Dft., Aaron D. Miller dba AHI construction consults., and Aaron's Home Inspection

06/01/2009 **Letter**
conformed Fiat

06/01/2009 **Letter**

06/02/2009 **Order**
Setting Hearing

06/03/2009 **Letter**
to Ms Risinger

06/05/2009 **Motion Hearing** (9:00 AM) (Judicial Officer Willis, Jill)
Motion to Compel

06/05/2009 **Motion Hearing** (9:00 AM) (Judicial Officer Willis, Jill)
Defendant American Home Shield of Texas Inc.'s Motion for Scheduling Order

06/05/2009 **Motion to Withdraw**

06/05/2009 **General Docket Entry**
Order on M/Withdrawal of Counsel granted and signed; M/Scheduling Order heard and held in abeyance; July 20 trial date vacated; counsel will submit new trial date and new S.O.; American Home Shield's M/Compel heard and taken under advisement (see Judge's notes);

06/05/2009 **Order of Withdrawal of Counsel**

06/08/2009 **Motion**
Plaintiffs Motions For Continuance & Stay For "Good Cause Reasons" In This Lawsuit And Plaintiffs Objections To Discovery Sanctions For "Good Cause Reasons".

06/08/2009 **Original Answer**
and Request for Disclosure

06/09/2009 **Letter**

06/29/2009 **CANCELED Motion Hearing** (9:00 AM) (Judicial Officer Willis, Jill)
Per Judge

06/29/2009 **CANCELED Motion Hearing** (9:00 AM) (Judicial Officer Willis, Jill)
Per Judge

07/06/2009 **CANCELED Formal Pretrial Conference** (9:00 AM) (Judicial Officer Willis, Jill)
*Per Judge
 07/06/2009 Reset by Court to 07/06/2009*

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07/07/2009 **Court Admin Correspondence**
FAX/Email Rec'd by the Court

07/08/2009 **Court Admin Correspondence**
FAX/Email Rec'd by the Court

07/10/2009 **Motion Hearing** (9:00 AM) (Judicial Officer Willis, Jill)

07/10/2009 **Motion Hearing** (9:00 AM) (Judicial Officer Willis, Jill)

07/10/2009 **Defendant's**
Stonebridge Ranch Community Association, Inc And Rti Community Management Assc Inc Motion to Subs Counsel

07/10/2009 **Plaintiff's**
Plaintiff's responses & objections to defendant aaron miller's special exceptions with "good cause reasons"

07/10/2009 **General Docket Entry**
Plaintiff and Mr. Carl Adams appeared; Order on Special Exceptions of Def. Aaron Miller SIGNED.

07/10/2009 **Order**
on Special Exceptions of Dft., Aaron Miller

07/10/2009 **Affidavit**
Verification / Affidavit From Agent Vickie L Powell (Exhibit 58)

07/10/2009 **Affidavit**
of Anthony J Balistreri (1.)

07/10/2009 **Affidavit**
of Anthony J Balistreri (Exhibit 64)

07/10/2009 **Plaintiff's**
Plaintiffs' Objections and Responses to Defendants Jerry Riechert and Lori Riechert's No Evidence & Traditional Motion for Summary and
Plaintiffs' Objections and Responses to Defendants Republic Title of Texas, Inc's and First American Title Ins Co's Traditional and No Evidence
Mot for Summ Judgment and Plaintiffs' Objs and Resps to Defs Re Max Realty, Sally Darnall, Kelly Calkins, Bill Williams and Lauren Palmer's No-
Evidence and Traditional Motion for Summary Judgment "Good Cause Reasons"

07/10/2009 **Exhibit**
Texas Laws

07/10/2009 **Exhibit**
Exhibits 1 to 64

07/10/2009 **Affidavit**
Affidavits Ex 64

07/10/2009 **Exhibit**
Copy of Oral Depo / Darlene C Balistreri-Amrhein / Exhibit 60

07/10/2009 **Court Admin Correspondence**
FAX/Email Rec'd by the Court

07/10/2009 **General Docket Entry**
Plaintiff appeared; Mr. Adams appeared as counsel for Defendant Miller; Plaintiff given 10 days to amend petition in response to Defendant
Miller's special exceptions; Defendants' MSJ hearing to be moved from July 17, 2009, due to Plaintiff being out-of-town that day; Plaintiff to file
response to MSJs; Court to consider Defendants' MSJs after July 31, 2009; Order on Special Exceptions of Defendant Aaron D. Miller signed;

07/13/2009 **General Docket Entry**
Order to Substitute Counsel Signed

07/13/2009 **Order**
to Subs Counsel

07/15/2009 **Objection**
of Remax Defendants to Plaintiffs' Summary Judgment Response and Affidavits

07/16/2009 **Objection**
to Plaintiffs' Summary Judgment Response, Affidavits, and Exhibits

07/16/2009 **Motion**
to Recuse Judge Jill Willis Either Voluntarily or by Recusal Hearing Per Texas Rules of Civil Procedure 18a & 18B

07/16/2009 **Motion**
for Leave to File Supplemental Pleadings

07/16/2009 **Plaintiff's**
Supplemental Petition and Pleadings

07/16/2009 **Court Admin Correspondence**
FAX/Email Rec'd by the Court

07/17/2009 **CANCELED Motion for Summary Judgment** (9:00 AM) (Judicial Officer Willis, Jill)
Per Judge
Submission Hearing Per Court

07/17/2009 **CANCELED Motion for Summary Judgment** (9:00 AM) (Judicial Officer Willis, Jill)
Per Judge
Submission Hearing Per Court

07/17/2009 **CANCELED Motion Hearing** (9:00 AM) (Judicial Officer Willis, Jill)
Per Judge
Submission Hearing per Court

07/17/2009 **General Docket Entry**
Order Denying Plaintiff's Motion to Recuse Judge Jill Willis Either Voluntarily or By Recusal Hearing Per Texas Rules of Civil Procedure 18a and
18b Signed

07/17/2009 **Order**
Withdrawn per recusal Motion Pending

07/17/2009 **Order Denied**
Plaintiff's Motion to Recuse Judge Jill Willis Either Voluntarily or by Recusal Hearing

07/20/2009 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer Willis, Jill)
Orders Signed
07/20/2009 Reset by Court to 07/20/2009

07/20/2009 **Objection**
Objections of Jerry M Riechert and Lori K. riechert to Ptffs' S/J Response and Affidavits

07/20/2009 **General Docket Entry**
Faxed Copy of Order Denying Plaintiff's Motion to Recuse to First Administrative Judicial Region

07/20/2009 **General Docket Entry**
Order on Motion to Recuse Signed by Judge John Ovard, Presiding Judge, First Administrative Judicial Region

07/20/2009 **Order**
on Motion to Recuse

07/21/2009 **Motion**

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Defendant, Aaron D. Miller's Motions to Join a Necessary Party Under Rule 39 (a) and to Require Plaintiff Darlene Balistreri-Amrhein to show Authority Under Rule 12

07/22/2009 **Motion to Dismiss**
Mot to Dis Ptf's Claims against Miller for Failure to Comply with Ct's Order of 7/10/2009

07/22/2009 **Letter**

07/23/2009 **Letter**
Cover with order attached

07/29/2009 **Letter**
Order Granting SJ

07/29/2009 **Objection**
and response to Ahi and Aaron Miller's objects to being joined to this lawsuit and objects to judge Ovard's recusal order and sworn affidavit of plaintiff

07/29/2009 **Motion**
For leave to file second supplemental pleadings

07/29/2009 **Plaintiff's**
Second Supplemental pleadings

08/03/2009 **Motion**
for Leave to File 3rd Supplemental Pleadings

08/03/2009 **Plaintiff's**
3rd Supplemental Pleadings/Petition

08/03/2009 **Affidavit**
Verification/Affidavit from Agent Vickie L Powell

08/03/2009 **Affidavit**
of Anthony J Balistreri

08/03/2009 **Affidavit**
of Darlene C Balistreri-Amrhein

08/04/2009 **Letter**

08/05/2009 **Plaintiff's**
Plaintiff Darlene C Balistreri-Amrhein General Warranty Deed as filed in collin county, texas

08/10/2009 **Motion for Continuance**
of summary judgment hearing

08/10/2009 **Motion for Continuance**
of def. motion to join a necessary party and to show authority

08/11/2009 **Order**
Settling Hearing

08/14/2009 **Motion Hearing** (1:30 PM) (Judicial Officer Willis, Jill)
Defendant, Aaron D. Miller's, Motions to Join a Necessary Party Under Rule 39 (a) and to Require Plaintiff Darlene Balistreri-Amrhein to Show Authority Under Rule 12

08/14/2009 **Motion Hearing** (1:30 PM) (Judicial Officer Willis, Jill)
Defendant Aaron V. Miller's Motion to Dismiss Plaintiffs' Claims Against Miller for Failure to Comply with Court Order of July 10, 2009

08/14/2009 **Motion Hearing** (1:30 PM) (Judicial Officer Willis, Jill)
Plaintiff's Motion to Continue Summary Judgment Hearing

08/14/2009 **Motion Hearing** (1:30 PM) (Judicial Officer Willis, Jill)
Plaintiff's Motion to Continue Motion to Show Authority and to Join a Necessary Party

08/14/2009 **Amended Petition**
Plaintiff's Second Amended Petition

08/14/2009 **Amended Petition**
Plaintiffs' 3rd Amended Petition

08/14/2009 **General Docket Entry**
P's M/Continue M/Show Authority DENIED; Def. Miller's M/Dismiss P's Claims against Miller for Failure to Comply with Court Order of July 10, 2009 GRANTED and order signed; Def. Miller's M/Join Necessary Party under Rule 39(a) MOOT; P's M/Con't Summary Judgment hearing GRANTED.

08/14/2009 **Order Granted**
Dft Miller's Motion to Dismiss Ptf's Claims Against Miller for Failure to Comply with this Court's Order of July 10, 2009

08/17/2009 **Notice**
Plaintiff's Notice of Termination of Attorney Clifford Weinstein for Withdrawal With Other Objections

08/17/2009 **Correspondence**

08/17/2009 **Fiat**

08/17/2009 **Motion**
Plaintiff's Motion to Recuse Judge Jill Willis

08/19/2009 **Motion to Withdraw**
Motion for Withdrawal of Counsel

08/21/2009 **Motion**
Dfts' Joint Statement Opposing Recusal of Judge & Motion for Sanctions Against Plaintiffs

08/21/2009 **Letter**
Cover

08/21/2009 **General Docket Entry**
Order of Referral on Motion to Recuse Declined

08/21/2009 **Order**
of referral on Motion to Recuse declined.

08/24/2009 **Plaintiff's**
Objections to Defendants Joint Statement Opposing Recusal of Judge & Motion for sanctions against Plaintiff

08/24/2009 **Plaintiff's**
Motion for Leave of the Court to Include AHI & Inspector Aaron Miller Into Plaintiff Pleadings for Reference & for the motion for new trial with fiat hearings attached for notices

08/24/2009 **Plaintiff's**
Motion for New Trial for AHI & Inspector Aaron D. Miller

08/24/2009 **Plaintiff's**
Motion for Leave of the court to Include AHI & Inspector Aaron Miller to Plaintiff Pleadings for Reference & for the motion for new trial with fiat hearings attached for notices

08/24/2009 **Plaintiff's**
4th Amended Petition

08/24/2009 **Order**
of Assignment by the Presiding Judge

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08/25/2009 **General Docket Entry**
Notice of Hearing Faxed to All Parties

08/25/2009 **Court Admin Correspondence**
FAX/Email Rec'd by the Court; Order of Assignment by Judge John Ovard

08/26/2009 **Plaintiffs**
Supplement Petition/Pleadings & Motion for Leave

08/26/2009 **Motion**
Plaintiff's Motion for leave of the Court to File Plaintiffs Supplement Petition/Pleadings

08/26/2009 **Plaintiffs**
Plaintiffs Objections to Atty Weinstein's Motion to Withdraw as Filed on Aug 19, 2009 with a Hearing Date of Sept. 11, 2009 Returned Atty Fees Paid & Motion for Continuance to Hire New Counsel

08/28/2009 **Hearing** (9:00 AM) (Judicial Officer Willis, Jill)
Motion to Recuse and Motion for Sanctions; Judge James Fry Assignment

08/28/2009 **General Docket Entry**
Motion to Recuse, Defendants Appeared by Counsel; Plaintiff's Counsel Appeared; Plaintiff Did Not Appear; Reset for Friday, September 4, 2009, at 9:00 A.M.

08/31/2009 **Plaintiffs**
Plaintiffs Notice of communication with the court clerk about last attempt to set plaintiffs motions for hearings

08/31/2009 **Court Admin Correspondence**
FAX/Email Rec'd by the Court

09/04/2009 **Motion Hearing** (9:00 AM) (Judicial Officer Willis, Jill)
Motion to Recuse and Motion for Sanctions; Judge Fry Assignment

09/04/2009 **Objection**
additional objections to judge Jill Willis presiding in this lawsuit while under two current recusal motions for her removal with "good cause" reasons

09/04/2009 **Motion**
To strike judge James R Fry and or any other visiting judge on Sept. 4 2009 "not ready"

09/04/2009 **General Docket Entry**
Order Denying Motions to Recuse Judge Jill Willis Signed

09/04/2009 **General Docket Entry**
Motion to Strike by Plaintiff James Fry is Granted; Richard Mays Assigned to Hear Recusal of Judge Willis; Objection to Mays by Plaintiff is Denied; Hearing on Recusal Motions--Evidence; Recusal Denied.

09/04/2009 **Order Denied**
Motions to Recuse Judge Jill Willis

09/04/2009 **Order**
on Motion to Strike Judge Fry

09/04/2009 **Order**
of Assignment

09/08/2009 **Objection**
to the Sept 4, 2009 order denying recusal of judge Jill Willis and objections to the actions taken during Sept 4, 2009 recusal hearing of Judge Jill Willis and req for finding of facts & conclusions of law to determine this Sept 4, 2009 denied recusal order for judge Jill Willis and judge Richard Mays ordered to be reconsidered

09/08/2009 **Certified Green Card Returned**

09/09/2009 **General Docket Entry**
Nunc Pro Tunc Order Denying Motion to Recuse Judge Jill Willis Signed

09/09/2009 **Order Denied**
Nunc Pro Tunc Order Denying Motion to Recuse Judge Jill Willis

09/10/2009 **General Docket Entry**
Notice of 9/18/09 Hearings and 10/14/09 Hearings Mailed to All Parties by Certified Mail

09/11/2009 **Motion Hearing** (1:30 PM) (Judicial Officer Willis, Jill)
Motion for Withdrawal of Counsel

09/11/2009 **Motion**
Plaintiff's Motion For Sanctions Against Defendant's Attorney For Violations of The Texas Rules of Civil Procedure -TRCP13 & Violations of Texas Civil Practice and Remedies Code 10.000 ET SEQ.

09/11/2009 **Motion**
Plaintiff's Motion For Sanctions Against Attorney Clifford I. Weinstein & Relief

09/11/2009 **Plaintiffs**
Plaintiffs Amrhein's notice and submission of personal injury in this lawsuit requiring Dr. Grace Graham's Psy/Phd Medical Care

09/11/2009 **General Docket Entry**
Weinstein's M/Withdraw heard; M/Withdraw GRANTED; Court recused itself sua sponte; Order signed.

09/11/2009 **Order**
Recusing Judge Jill Willis

09/14/2009 **Motion**
Plaintiff's Motion for Continuances With "Good Cause" Reasons of Approximately 12 Settings Ordered On September 18, 2009 and Jury Trial on December 14, 2009 Et Al

09/14/2009 **Deputy Reporter Statement**

09/14/2009 **Motion**
to Recuse Judge Mays

09/14/2009 **Order of Withdrawal of Counsel**

09/16/2009 **Administrative Order**
of Assignment

09/17/2009 **Correspondence**

09/17/2009 **Correspondence**

09/17/2009 **Correspondence**

09/18/2009 **CANCELED Motion Hearing** (1:30 PM) (Judicial Officer Willis, Jill)
Per Judge

09/18/2009 **CANCELED Motion Hearing** (1:30 PM) (Judicial Officer Willis, Jill)
Per Attorney

09/18/2009 **CANCELED Motion Hearing** (1:30 PM) (Judicial Officer Willis, Jill)
Per Judge

09/18/2009 **CANCELED Motion Hearing** (1:30 PM) (Judicial Officer Willis, Jill)
Per Judge

09/18/2009 **CANCELED Motion Hearing** (1:30 PM) (Judicial Officer Willis, Jill)
Per Judge

09/18/2009 **CANCELED Motion Hearing** (1:30 PM) (Judicial Officer Willis, Jill)
Per Judge

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1 Per Judge
09/18/2009 CANCELED Motion Hearing (1:30 PM) (Judicial Officer Willis, Jill)
Per Judge
09/18/2009 Plaintiffs
motion to quash deposition for Anthony J. Balistreri and Plaintiff's motion for a protective order for Anthony J. Balistreri and Plaintiffs' objection to the September 14, 2009 Order that is inaccurate and incomplete as signed
09/21/2009 Plaintiffs
pending motions not heard
09/21/2009 Certified Green Card Returned
09/22/2009 Plaintiffs
Plaintiffs' Join Newland Communities to this Above Lawsuit
09/22/2009 Request for Citation \$8.00
09/22/2009 Motion
for Mediation and Plaintiff's Motion for DTPA Automatic 60 day stay as required by law.
09/22/2009 Citation
Newland Communities
Unservd Response Received 10/19/2009
09/22/2009 Correspondence
09/23/2009 Correspondence
09/28/2009 Certified Green Card Returned
Darlene
09/30/2009 Motion for Summary Judgment
against Defendants Exhibits A to U
09/30/2009 Motion for Summary Judgment
Against Republic Title of Texas, Inc. and First American Title Insurance Company (No Evidence & Traditional Summary Judgments)
09/30/2009 Motion for Summary Judgment
Against Re Max North Central & Their Agents Sally Damall, Kelly Calkins, Lauren Palmer & Supervisor Bill J. Williams (No Evidence & Traditional Summary Judgments)
09/30/2009 Motion for Summary Judgment
Against Sellers, Jerry Reichert and Lori Reichert (No Evidence & Traditional Summary Judgments)
09/30/2009 Motion for Summary Judgment
Against American Home Shield of Texas, Inc. (No Evidence & Traditional Summary Judgments)
10/02/2009 Correspondence
10/05/2009 Plaintiffs
Additional Timely Obj for Denying Def Jerry Riechert, Lori Riechert, Re Max N. Central & Their Agents Sally Damall, Kelly Clakins, Lauren Palmer, Bill Williams et al and for Atty Epsteins Objectionalbe False Statements & Continuance Delay Filed 10-2-2009
10/05/2009 Correspondence
from Darlene Balisteri-Amrhein to Judge Jill Willis
10/05/2009 Motion
to Continue November 2, 2009 Summary Judgment Hearing by Submission
10/09/2009 Plaintiffs
Motion to Quash October 13, 2009 Deposition
10/09/2009 Response
of the Remax Defendants to Plaintiffs' Motion for Summary Judgment
10/13/2009 Affidavit
Plaint Amrhelns Sworn Affi Statements On Delivery Of Admissions & Discovery On Oct 31, 2008 & Fax Resolution
10/13/2009 Response
Plaint Response To Def Re Max Et Al Response To Plaint Mot Sum Judgment & All Other Sum Judgment Mot On File W/The Court & Plaint Resp To Def Re Max Et Al Mot For Protect Order For Plaint Faxing Court Doc For Service Under TRCP 21 & TRCP 21a
10/13/2009 Motion
of the Remax Defendants for a Protective Order
10/14/2009 CANCELED Motion for Summary Judgment (1:30 PM) (Judicial Officer Willis, Jill)
Per Judge
10/14/2009 CANCELED Motion for Summary Judgment (1:30 PM) (Judicial Officer Willis, Jill)
Per Judge
10/14/2009 CANCELED Motion for Summary Judgment (1:30 PM) (Judicial Officer Willis, Jill)
Per Judge
10/14/2009 Motion for Summary Judgment (9:00 AM) (Judicial Officer Roach, John R., Jr.)
Def Republic Title & First American Title MSJ, Def Riechert MSJ, Def Remax & others MSJ by Submission
10/15/2009 Defendant's
American Home Shield of Texas Inc Amended Motion to Continue November 2, 2009 Summary Judgment Hearing by Submission
10/16/2009 Motion
of Defendants, Remax Realty, Sally Darnett, Kelly Calkins and Bill Williams to Strike Plaintiffs Pleading and Require Plaintiffs to Amended
10/19/2009 Notice
Plaint Notice Being Out Of State
10/19/2009 Response
Plaint Resp Def Aaron Miller Mot Dismiss Plaint Mot New Trial For Want Jurisdiction & Mot Vacate July 10 2009 & August 14 2009 Orders
10/19/2009 Original Answer
10/19/2009 Motion to Dismiss
Plaintiff's Motion for New Trial for Want of Jurisdiction
10/19/2009 Motion
defendants Jerry M. Riechert and Lori K. Riechert's motion to strike plaintiffs' pleadings and require plaintiffs to amend
10/21/2009 Defendant's
Stonebridge Ranch Community Association Inc., and TRI community Management Associates Inc., Response to Plaintiffs' Motion for Sanctions
10/22/2009 Hearing (9:00 AM) (Judicial Officer Roach, John R., Jr.)
All Pending Motions
10/22/2009 Order
granting the Remax Defendants' motion for a protective order
10/22/2009 Order
granting Defendant, Aaron D. Miller's motion to dismiss Plaintiffs' motion for New Trial for Want of Jurisdiction
10/22/2009 Discovery Control Plan and Scheduling Order
10/22/2009 Order
granting Defendant American Home Shield of Texas Inc's amended motion to continue November 2, 2009 summary judgment hearing by submission
10/22/2009 Order

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striking Plaintiffs' pleadings and requiring Plaintiffs to amend

10/22/2009 **Order**
denying plaintiffs' request for deemed admissions

10/22/2009 **Order**
denying plaintiffs motion for sanctions against defendants' attorneys

10/26/2009 **Letter**

10/28/2009 **Letter**

10/28/2009 **Correspondence**
came back in file

10/29/2009 **Notice**
of Being Out of State

10/29/2009 **Objection**
Plaintiff's Objection to Order Denying Motion for Sanctions and Motion to Quash Deposition Notice on Oct. 22, 2009

10/29/2009 **Order**
scheduling inspection of plaintiffs' residence and plaintiffs' depositions

10/29/2009 **Order**
on defendants Jerry M. Riechert and Lori K. Riechert's motion to strike plaintiffs' pleadings and require plaintiffs to amend

10/29/2009 **Order**
denying plaintiffs' motion for sanctions and motion to quash deposition notice

11/02/2009 **CANCELED Motion for Summary Judgment** (9:00 AM) (Judicial Officer Roach, John R., Jr.)
Reset
PI MSJ

11/02/2009 **Plaintiffs**
Motion to Challenge Attorney Richard Abernathy Proceeding in this Lawsuit due to Conflict of Interest

11/02/2009 **Objection**
to Order Denying Plaintiff's Request for Deemed Admissions & Some Order Clarifications

11/02/2009 **Objection**
to the Order Granting Defendant Aaron D. Miller's Motion to Dismiss Plaintiff's Motion for New Trial for Want of Jurisdiction with a Request for Clarification of this Order

11/10/2009 **Plaintiffs**
Judge Roach's Required new Probate Court Order & Letters of Guardianship for Anthony J. Balistreri as it Relates to his Legal Representation, Deposition & Amended Pleadings Continuance

11/10/2009 **Plaintiffs**
Objections to Issues & Orders before the court on October 14, 2009 and October 22, 2009

11/10/2009 **Appeals - Notice Of Appeal**
for Defendants Ahi & Inspector Aaron D. Miller & Docketing Statement

11/12/2009 **Appeals - Filed NOA with the COA**
and emailed to Court Reporter

11/19/2009 **Amended Petition**

11/30/2009 **Motion**
Newlands Motion To Strike Plaintiff Amend Petition & In The Alternative Special Exceptions

12/01/2009 **Motion**
and RTI Community Assoc., Inc., Rule 58 Adoption and Joinder of Co-Defendant Newland Communities Motion to Strike Ptf's' amended Petition and, In the Alternative, Special Exceptions

12/03/2009 **CANCELED Hearing** (9:00 AM) (Judicial Officer Roach, John R., Jr.)
Reset
Motion to Challenge Attorney R. Abernathy

12/03/2009 **CANCELED Hearing** (9:00 AM) (Judicial Officer Roach, John R., Jr.)
Reset
Mtn to Strike and Special Exceptions

12/03/2009 **Response**
Newland's Response to Plaintiff's Motion to Challenge Attorney Richard Abernathy Proceeding in this Lawsuit

12/03/2009 **Motion**
Newland's Motion to Sanction Plaintiffs for Their Failure to Appear or Give notice of their failure to Appear at the December 3, 2009 Hearing

12/03/2009 **Correspondence**

12/03/2009 **Correspondence**

12/03/2009 **Correspondence**

12/04/2009 **Correspondence**

12/07/2009 **Amended Petition**
plaintiff's 6th amended petition

12/07/2009 **Defendant's**
First American Title Insurance Company and Republic Title of Texas, Inc.'s Adoption and Joinder of Co-Defendant Newland Communities' Motion to Strike Plaintiff's Amended Petition, and in the Alternative, Special Exceptions

12/08/2009 **Hearing** (9:00 AM) (Judicial Officer Roach, John R., Jr.)
Motion to challenge Attorney R. Abernathy, Motion to Strike and Special Exceptions

12/08/2009 **CANCELED Hearing** (9:00 AM) (Judicial Officer Roach, John R., Jr.)
Case Withdrawn
Mtn for Sanctions-Off

12/08/2009 **Notice**
Plaint Notice Bankruptcy & This Courts Lack Jurisdiction

12/08/2009 **Correspondence**
To Court From Darlene Balistreri

12/08/2009 **Defendant's**
Jerry and Lori Riechert's rule 58 adoptive and joinder of co-defendant ...

12/08/2009 **Letter**
cover

12/08/2009 **Motion**
Motion of Remax Defendants to Strike Plaintiff Amended Petition or Alternatively Grant Special Exceptions

12/08/2009 **Letter**
cover letter

12/10/2009 **CANCELED Pre Trial** (1:30 PM) (Judicial Officer Willis, Jill)
Per Judge

12/10/2009 **Order**
of Severance of Actions

12/14/2009 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer Willis, Jill)
Per Judge

12/14/2009 **Correspondence**

12/18/2009 **Appeals - Correspondence**
FAXED NO PAY LTR TO 5TH COA/DALLAS & MAILED COPY TO APPELLANT

12/23/2009 **Order**
CAUSE ABATED AND TREATED AS CLOSED-5TH COA/DALLAS (BANKRUPTCY)

01/06/2010 **CANCELED Hearing** (9:00 AM) (Judicial Officer Roach, John R., Jr.)
Reset

03/19/2010 **Motion**
Plaint Mot Recuse Judge Roach

03/23/2010 **Order**
on plaintiff's motion to challenge attorney Richard Abernathy proceeding in this lawsuit

03/25/2010 **Order**

04/06/2010 **Plaintiff's**
Motion to Reinstate, Prepare New Scheduling Order, cancel Existing Jury Trial Date, Pre-Trial Conference & Reschedule in the Case

04/06/2010 **Plaintiff's**
Amended Notice of Appeal & Docketing Statement for Defendants/Appellees AHI & Aaron D Miller

04/06/2010 **Plaintiff's**
Affl of Indigent Status for Court Costs for Appeal

04/06/2010 **Plaintiff's**
Notice & Request to Turn Over All Court Reporter Transcripts & Court Records for Appeal

04/06/2010 **Motion**
Appellant's Motion to Reinstate this Appeal

04/06/2010 **Plaintiff's**
Motion to Recuse Judge John Roach Voluntarily or Involuntarily with a Recusal Hearing

04/09/2010 **Request for Copies \$**

04/14/2010 **Motion for Continuance**
Plaintiff's Motion to Continue This Lawsuit

04/14/2010 **Correspondence**

04/15/2010 **Affidavit**
Contest of Affidavit of Indigence and Inability to Pay Costs

04/20/2010 **Order**
of Referral on Motion to Recuse

04/20/2010 **Order**
of Referral on Motion to Recuse

04/22/2010 **Motion Hearing** (9:00 AM) (Judicial Officer ZZ DO NOT USE Oldner, Chris)
Contest of Affidavit of Indigence and Inability to Pay Cost.

04/22/2010 **General Docket Entry**
Hearing on request to proceed without payment of costs, evidence received, motion - DENIED, OTBFC by 4/30/2010

04/22/2010 **Order**
Sustaining Contest to Plaintiff's Affidavit of Indigent Status for Court Costs for Appeal

04/23/2010 **Motion**
Plaint Mot Leave To File Plaintiff 7th Amend Pet

04/23/2010 **Amended Petition**
Plaintiff's 7th

04/23/2010 **Correspondence**

04/26/2010 **Correspondence**
To Court From Darlene Balistreri

04/26/2010 **Motion**
Plaint Mot Reconsideration Of April 23, 2010 Order Denying Indigent Status For Court Costs With Plaintiff Object & Good Cause Reasons Associated To This Order & Finding Fact & Conclusion Law Supporting All Orders

04/29/2010 **CANCELED Formal Pretrial Conference** (1:30 PM) (Judicial Officer Roach, John R., Jr.)
Other
Bky-

04/29/2010 **Correspondence**

05/03/2010 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer Roach, John R., Jr.)
Other
Bky

05/03/2010 **Plaintiff's**
Motion for Leave of the Court on Revised Plaintiff's Motion for Reconsideration of April 22, 2010 Order Denying Indigent Status for Court Costs with Plaintiff's Objections & "Good Cause" Reasons Associated to this Order

05/03/2010 **Plaintiff's**
Motion for Reconsideration of April 22, 2010 Order Denying Indigent Status for Court Costs with Plaintiff's Objections & "Good Cause" Reasons Associated to this Order and Finding of Fact and Conclusion of Law Supporting All Orders (Revised)

05/03/2010 **Correspondence**
copy of letter to Court of Appeals dated 5-1-10

05/06/2010 **Correspondence**

05/06/2010 **Correspondence**

05/07/2010 **Motion Hearing** (9:00 AM) (Judicial Officer Roach, John R., Jr.)

05/10/2010 **Objection**
to the Conduct & May 7, 2010 hearing

05/24/2010 **Correspondence**

05/28/2010 **Letter**
/Notice to Include Additional Information to Previous Court Filing for Consideration

06/18/2010 **Order**
from 5th COA/Dallas re: Reinstatement of Appeal

06/23/2010 **Request for Copies \$**

07/12/2010 **Plaintiff's**
Motion for Leave to File Plaintiff's 8th Amended Petition

07/12/2010 **Amended Petition**
Plaintiffs' 8th Amended Petition

07/12/2010 **Plaintiff's**
"Supplemental" Witness List

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07/12/2010 **Plaintiff's**
Motion for Leave to File Plaintiffs' Supplemental Pleadings with Additional Evidence & Exhibits in this Lawsuit

07/12/2010 **Plaintiff's**
"Supplemental Pleadings" with Additional Evidence & Exhibits in this Lawsuit

07/13/2010 **Hearing** (9:00 AM) (Judicial Officer Roach, John R., Jr.)
Motion to Recuse (to be heard by Judge Davis)

07/13/2010 **Plaintiff's**
Additional Reasons & Evidence For Recusal Of Judge John Roach

07/15/2010 **Appeals - Correspondence**
re: pmt of Clerk's Record-faxed to 5th COA & mailed to appellant

07/19/2010 **Appeals - Correspondence**
Order re: Clerk's Record

07/19/2010 **Order**
Denying Plaintiffs' Motion to Recuse Judge Roach

07/20/2010 **Appeals - Correspondence**
Order re: Clerk's & Reporter's Records-5th COA/Dallas

07/20/2010 **Plaintiff's**
/Appellant request for Specific Clerk Records & Court Reporter Records for Appeal with Payment Arrangements

07/20/2010 **Plaintiff's**
/Appellant Amended Docketing Statements

07/20/2010 **Exhibit**
Order from COA

07/20/2010 **Exhibit**
copy of newspaper article

07/23/2010 **Correspondence**

07/27/2010 **Plaintiff's**
Request for Finding of Fact and Conclusion of Law on Plaintiff's Motion to Recuse Judge John Roach Denied

07/28/2010 **Motion**
Newland's Motion for Protective Order and for Sanctions

08/02/2010 **Appeals - Correspondence**

08/03/2010 **Plaintiff's**
Second Request for Finding of Fact and Conclusion of Law on Plaintiffs Motion to Recuse Judge John Roach Denied

08/03/2010 **Appeals - Correspondence**

08/04/2010 **Plaintiff's**
Timely Objections to Newland's Motion to Close Case and in Alternative, Motion fro Protective Order and for Sanctions with Requested Continuance of 8/10/2010 Hearing for "Good Cause" Reasons

08/04/2010 **Plaintiff's**
Timely Objections to Newland Motion for Protective Order and for Sanctions with Requested Continuance of 8/10/2010 Hearing for "Good Cause" Reasons

08/06/2010 **Motion**
Plaintiffs Motion Special Exceptions and Objections to Defendants Special Exceptions and Striking of All Plaintiffs Pleadings and Petitions and All Signed Orders by Judges

08/06/2010 **Motion**
Plaintiff's Motion for Leave of the Court to File Plaintiffs 9th Amended Petition

08/06/2010 **Amended Petition**
Plaintiff's 9th Amended Petition

08/10/2010 **Protective Order Hearing** (9:00 AM) (Judicial Officer Roach, John R., Jr.)
Motion for Sanctions

08/10/2010 **Motion**
Plaintiffs' Motion to Compel Discovery with Timely Objections to Newland's & Stonebridge Ranch HOA ET AL Motion to Close Case, And In Alternative, Motion for Protective Order and for Sanctions

08/10/2010 **Order**
Granting Newland's Motion for Protective Order and For Sanctions

08/10/2010 **Order**
for Plaintiff, Darlene Balistreri-Amrhein to sit for Deposition

08/11/2010 **Motion**
of the Remax Defendants for a Protective

08/11/2010 **Correspondence**
from the Court to all Parties

08/11/2010 **Correspondence**

08/16/2010 **Appeals - Correspondence**
Ltr to COA re: pmt of Clerk's Record

08/16/2010 **Correspondence**
from Richard Abernathy

09/01/2010 **Correspondence**

09/07/2010 **Plaintiff's**
Plaintiffs Requests for Finding of Fact & Conclusion of Law on Plaintiff's Motion to Recuse Judge John Roach Denied is Past Due

09/07/2010 **Plaintiff's**
Plaintiff's Motion for Clarification of all Sanctions in Previous Signed Court Orders and Objections to Preserve All Issues for Appeals

09/07/2010 **Objection**
Plaintiff(s) Objections to all August 10, 2010 Orders and Refused Delayed Discovery Responses From All Defendants

09/10/2010 **Motion**
Plaint Mot Leave Of The Court To File Plaint 10th Amend Pleadings /Petition & Objections

09/10/2010 **Motion**
Plaint Mot Reconsideration Of Motion & Order To Close Severance Case No 296-04897-2009 & All Plaint Balistreri's Claims In This Lawsuit

09/10/2010 **Notice**
Plaint Notice Of Motions To Be Heard On September 22, 2010

09/10/2010 **Motion**
Plaint Second Mot Recuse & Or Disqualify Judge John Roach Under TRCP 18a & TRCP 18b

09/10/2010 **Findings of Fact and Conclusions of Law**
Denied by Judge Richard Davis

09/14/2010 **Motion**
Plaintiff(s) Motion to Join Murphy Homes Group and Thomas Murphy Et Al As Defendants to This Lawsuit with Citation Issued

09/14/2010 **Request for Citation \$8.00**

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09/14/2010 **Citation**
Murphy Homes Group
Murphy, Thomas
Unservd
Unservd

09/14/2010 **Motion**
Newland, Republic, And First Americans Mot Strike Darlene Balistreri Amrhein Ninth Amended Petition & In The Alternative Special Exceptions

09/15/2010 **Motion**
to Strike Darlene Balistreri-Amrhein's Ninth Amended Petition and in the Alternative Special Exceptions

09/15/2010 **Correspondence**

09/15/2010 **Motion**
for Sanctions

09/15/2010 **Order**
on Plaintiff's Second Motion to Recuse

09/15/2010 **Order**
On Second Motion to Recuse, Signed by Judge Richard Davis, Motion Denied

09/16/2010 **Letter**

09/16/2010 **Defendant's**
Stonebridge Ranch HOA and RTI Management Company's Motion for Contempt and for Sanctions as to Plaintiff Darlene Balistreri-Amrhein

09/16/2010 **Defendant's**
Stonebridge Ranch HOA and RTI Management Company's Rule 58 Adoption and Joinder of Co-Defendants Newland, Republic, and First American's Motion to Strike Darlene Balistreri-Amrhein's Ninth Amended Petition and, in the Alternative, Special Exceptions

09/16/2010 **Defendant's**
Stonebridge Ranch HOA and RTI Management Company's Motion to Extend the Time Limit for the Deposition of Plaintiff Darlene Balistreri-Amrhein

09/16/2010 **Defendant's**
Stonebridge Ranch HOA and RTI Management Company's Motion to Reschedule Court Designated Date as Receipt of Plaintiff's Discovery Requests

09/16/2010 **Letter**

09/16/2010 **Notice**
of Hearing

09/16/2010 **Plaintiff's**
Objections to September 14, 2010 Depositions & Conduct of Attorney Wells & in the Alternative to Strike this Deposition and or Sanction Attorney Wells for his Conduct & Abuse of the Discovery Process & Fishing Expedition

09/17/2010 **Correspondence**

09/20/2010 **Notice**
Additional Notice for September 22, 2010 Hearing on Court Filings to Be Heard

09/20/2010 **Correspondence**
Certified mail green card Ms. Balistreri mailed to Mr. Thomas Murphy

09/20/2010 **Request for Copies \$**

09/22/2010 **Hearing (9:00 AM)** (Judicial Officer Roach, John R., Jr.)
All outstanding Motions

09/22/2010 **Plaintiff's**
Motion for Leave of the Court to File Plaintiff(s) 10th Amended Pleadings/Petition & Objections

09/22/2010 **Affidavit**
of Darlene Ballstreri-Amrhein

09/22/2010 **Affidavit**
of Anthony J. Balistreri

09/22/2010 **Amended Petition**
Plaintiff(s) 10th Amended Pleadings/Petition

09/22/2010 **Defendant's**
Rule 58 Adoption and Joinder of Co-Defts Newland, First Republic Title of Texas, Inc., and First American Title Insurance Company's Motion to Strike Plaintiff's Ninth Amended Petition, and in the Alternative, Special Exceptions

09/22/2010 **General Docket Entry**
Court considered Defendants' Motion to Strike Plaintiff's Ninth Amended Petition. The Motion is GRANTED.

09/22/2010 **Order**
on Defendants' Newland Communities, Republic title of Texas, and First American Title Insurance Company's Motion to Strike Plaintiff's Ninth Amended Petition

09/27/2010 **Motion**
Plaint Mot New Trial Objections To Sept 22, 2010 Dismissal Order, Hearings & 52 Exhibits

09/27/2010 **Plaintiff's**
Sept 14, 2010 Depo & Corrections

09/27/2010 **Letter**
(Cover with Order)

09/29/2010 **Motion**
to Modify Judgment of September 22, 2010 and to Reinstate Lawsuit

09/29/2010 **Request for Findings of Fact and Conclusions of Law**
for Judge Roach and Judge Davis

10/04/2010 **Original Answer**
Of Murphy Homes Group and Thomas Murphy

10/04/2010 **Order**
Granting Motion of Defendants to Strike Petitioner's Ninth Amended Petition and Dismissing Case

10/04/2010 **Order**
Denying Motion for New Trial

10/08/2010 **Request**
Plaint Second Req Finding Fact & Conclusion Of Law On Plaint Mot Recuse Judge John Roach Denied

10/08/2010 **Request for Copies \$**

10/08/2010 **Request for Copies \$**

10/08/2010 **Certificate of Deposition (Bill of Cost Form)**
Darlene Balistreri-Amrhein

10/08/2010 **Letter**
cover

10/20/2010 **Appeals - Notice Of Appeal**

10/20/2010 **Appeals - Req for Reporter's Record**
Req for Specific Clerk Records and Court Reporter Records for New Appeal

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10/20/2010 **Appeals - Correspondence**
Pl's Affidavit of Indigent Status for Court Costs for Appeal

10/20/2010 **Appeals - Correspondence**
Pl's Affidavit of Indigent Status for No Court Costs for Appeal (Anthony J. Balistreri)

10/21/2010 **General Docket Entry**
Additional Affidavit of Indigent Status presented, Contest remains SUSTAINED, Affidavit - DENIED

10/21/2010 **Order**

10/25/2010 **Notice**
Plaintiffs/ Appellants Notice to Court of Additional "New Evidence" Relevant to this Law Suit & to be Added to the Notice of Appeal Docketing Statement

11/01/2010 **Affidavit**
Appellate (Revised) Timely Aff of Indigent Status for No-Court Costs for Appeal

11/01/2010 **Affidavit**
Appellants (revised) Timely Aff of Indigent Status on Court Costs for Appeal

11/01/2010 **Plaintiffs**
(revised) Timely Aff of Indigent Status on Court Costs for Appeal

11/01/2010 **Plaintiff's**
(revised) Timely Aff of Indigent Status for No-Court Costs for Appeal

11/02/2010 **Appeals - Notice Of Appeal**
Plaintiffs/Appellants' Notice of Appeal on Indigent Status, Appellate Form and Docket Statements

11/03/2010 **Order**
Denying Plaintiffs (Revised) Timely Affidavit of Indigent Status for No Court Costs for Appeal

11/12/2010 **Order**
Denying Plaintiffs (Revised) Timely Affidavit of Indigent Status on Costs for Appeal

12/06/2010 **Address Change**

12/09/2010 **Appeals - Correspondence**

01/26/2011 **CANCELED Formal Pretrial Conference (1:30 PM)** (Judicial Officer Roach, John R., Jr.)
Orders Signed

01/31/2011 **CANCELED Jury Trial (9:00 AM)** (Judicial Officer Roach, John R., Jr.)
Orders Signed

02/17/2011 **Order**
from 5th COA

02/18/2011 **Appeals- Clerk's Record**
Partial per 5th COA Order (CD 106)

02/18/2011 **Appeals- Clerk's Record**
efiled with the 5th COA

02/22/2011 **Correspondence**

02/22/2011 **Request for Copies \$**

02/24/2011 **Appeals- Clerk's Record**
2nd Partial per 5th COA Order (CD 106)

02/24/2011 **Appeals - Correspondence**
e-filed with the 5th COA

07/07/2011 **Appeals - Correspondence**
Order & Memorandum Opinion on Request to Proceed on Appeal Without Advance Payment of Costs-Denied/5th COA

07/27/2011 **Order**
from 5th COA regarding Appellants time to pay and have Records filed

08/18/2011 **Appeals - Request for Clerk's Record**
copy of docket sheet with items to include in clerk's record circled

08/23/2011 **Appeals - Clerk's Record Paid \$**

08/24/2011 **Appeals- Clerk's Record**
e-filed with the 5th COA (CD#106)

09/07/2011 **Appeals - Correspondence**

11/30/2011 **Appeals - Correspondence**
copy of correspondence sent to 5th COA by Appellant

12/08/2011 **Appeals - Correspondence**

02/08/2012 **Appeals - Correspondence**
from 5th COA

02/08/2012 **Appeals- Clerk's Record**
e-filed Supplemental Clerk's Record with the 5th COA (CD#106)

02/13/2012 **Appeals - Correspondence**

08/02/2012 **Appeals - Judgment And Opinion**
Judgment of trial court Affirmed-5th COA (Supreme Court)

10/02/2012 **Request for Copies \$**

10/15/2012 **Appeals - Correspondence**
notice from Supreme Court of Texas-petition for review filed

12/19/2012 **Appeals - Correspondence**
notice from Supreme Court of Texas-denied petition for review

01/25/2013 **Appeals - Postcard**
notice from Supreme Court-motion for rehearing before 02/22/13

01/28/2013 **Appeals - Postcard**

03/04/2013 **Appeals - Postcard**
notice from Supreme Court-motion for rehearing filed

03/28/2013 **Correspondence**
To: Judge Roach

05/07/2013 **Correspondence**
from The Supreme Court of Texas: Order on Petition for Review-case abated regarding AHI & Aaron Miller

05/07/2013 **Correspondence**
from The Supreme Court of Texas- abatement order lifted/AHI & Aaron miller severed and abated

05/14/2013 **Correspondence**
Letter from Attorney Generals Office/Notice of Appeal

06/20/2013 **Appeals - Correspondence**

09/25/2014 **Correspondence**
Letter from Attorney General of Texas regarding Dismissal of Appeal

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FINANCIAL INFORMATION

Attorney Risinger, Linda				
Total Financial Assessment				63.00
Total Payments and Credits				63.00
Balance Due as of 03/26/2018				0.00
04/09/2010	Transaction Assessment			63.00
04/09/2010	Check	Receipt # DC-09424-2010	Risinger, Linda	(63.00)
Defendant First American Title Insurance Company				
Total Financial Assessment				219.00
Total Payments and Credits				219.00
Balance Due as of 03/26/2018				0.00
01/29/2009	Transaction Assessment			5.00
01/29/2009	Payment	Receipt # DC-01845-2009	Hightower, Rick W	(5.00)
07/16/2009	Transaction Assessment			5.00
07/16/2009	Payment	Receipt # DC-15705-2009	Hightower, Rick W	(5.00)
12/07/2009	Transaction Assessment			5.00
12/07/2009	E-filing	Receipt # DC-28011-2009	Justin Jenkins	(5.00)
06/23/2010	Transaction Assessment			199.00
06/23/2010	Check	Receipt # DC-16778-2010	Risinger, Linda	(199.00)
09/16/2010	Transaction Assessment			5.00
09/16/2010	E-filing	Receipt # DC-25477-2010	Hightower, Rick W	(5.00)
Defendant Murphy Homes Group				
Total Financial Assessment				21.00
Total Payments and Credits				21.00
Balance Due as of 03/26/2018				0.00
09/14/2010	Transaction Assessment			16.00
09/14/2010	Cash	Receipt # DC-25172-2010	Ballstreri-Amrhein, Darlene	(16.00)
10/04/2010	Transaction Assessment			5.00
10/04/2010	E-filing	Receipt # DC-27400-2010	Rudnicki, James W.	(5.00)
Defendant Remax Realty				
Total Financial Assessment				5.00
Total Payments and Credits				5.00
Balance Due as of 03/26/2018				0.00
09/15/2010	Transaction Assessment			5.00
09/15/2010	E-filing	Receipt # DC-25394-2010	J Kirk Newsom	(5.00)
Defendant Republic Title Of Texas				
Total Financial Assessment				10.00
Total Payments and Credits				10.00
Balance Due as of 03/26/2018				0.00
11/21/2008	Transaction Assessment			5.00
11/21/2008	Payment	Receipt # DC-19081-2008	Hightower, Rick W	(5.00)
01/29/2009	Transaction Assessment			5.00
01/29/2009	Payment	Receipt # DC-01813-2009	Hightower, Rick W	(5.00)
Defendant Stonebridge Ranch Homeowners Association, Newland Communities Et Al				
Total Financial Assessment				50.00
Total Payments and Credits				50.00
Balance Due as of 03/26/2018				0.00
06/08/2009	Transaction Assessment			5.00
06/08/2009	Payment	Receipt # DC-12505-2009	Payne, Christopher A	(5.00)
07/10/2009	Transaction Assessment			5.00
07/10/2009	Payment	Receipt # DC-15254-2009	Gregory Smith	(5.00)
10/21/2009	Transaction Assessment			5.00
10/21/2009	E-filing	Receipt # DC-24095-2009	Roberts, Jeffrey D	(5.00)
12/01/2009	Transaction Assessment			5.00
12/01/2009	E-filing	Receipt # DC-27522-2009	Smith, Gregory W	(5.00)
09/16/2010	Transaction Assessment			5.00
09/16/2010	E-filing	Receipt # DC-25479-2010	Roberts, Jeffrey D	(5.00)
09/16/2010	Transaction Assessment			5.00
09/16/2010	E-filing	Receipt # DC-25481-2010	Roberts, Jeffrey D	(5.00)
09/16/2010	Transaction Assessment			5.00

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09/16/2010	E-filing	Receipt # DC-25482-2010	Roberts, Jeffrey D	(5.00)
09/16/2010	Transaction Assessment			5.00
09/16/2010	E-filing	Receipt # DC-25485-2010	Roberts, Jeffrey D	(5.00)
09/16/2010	Transaction Assessment			5.00
09/16/2010	E-filing	Receipt # DC-25488-2010	Roberts, Jeffrey D	(5.00)
09/16/2010	Transaction Assessment			5.00
09/16/2010	E-filing	Receipt # DC-25492-2010	Roberts, Jeffrey D	(5.00)

Other Newland Communities

Total Financial Assessment

5.00

Total Payments and Credits

5.00

Balance Due as of 03/26/2018**0.00**

10/19/2009	Transaction Assessment			5.00
10/19/2009	E-filing	Receipt # DC-23792-2009	Wells, Ross	(5.00)

Plaintiff Balistreri, Anthony J

Total Financial Assessment

400.00

Total Payments and Credits

400.00

Balance Due as of 03/26/2018**0.00**

10/02/2012	Transaction Assessment			400.00
10/02/2012	Payment	Receipt # DC-37093-2012	Thomas Pille/Special Delivery	(400.00)

Plaintiff Balistreri-Amrhein, Darlene

Total Financial Assessment

1,148.50

Total Payments and Credits

1,148.50

Balance Due as of 03/26/2018**0.00**

05/19/2008	Transaction Assessment			306.00
05/19/2008	Cash	Receipt # DC-05721-2008	Balistreri-Amrhein, Darlene	(306.00)
08/13/2008	Transaction Assessment			16.00
08/13/2008	Cash	Receipt # DC-11860-2008	Balistreri-Amrhein, Darlene	(16.00)
10/30/2008	Transaction Assessment			30.00
10/30/2008	Check	Receipt # DC-17437-2008	Balistreri-Amrhein, Darlene	(30.00)
10/31/2008	Transaction Assessment			24.00
10/31/2008	Check	Receipt # DC-17549-2008	Balistreri-Amrhein, Darlene	(24.00)
02/11/2009	Transaction Assessment			8.00
02/11/2009	Cash	Receipt # DC-02928-2009	Balistreri-Amrhein, Darlene	(8.00)
05/14/2009	Transaction Assessment			24.00
05/14/2009	Check	Receipt # DC-10464-2009	Amrhein Darlene Balistreri	(24.00)
07/23/2009	Transaction Assessment			5.00
07/23/2009	Payment	Receipt # DC-16305-2009	Hightower, Rick W	(5.00)
08/21/2009	Transaction Assessment			5.00
08/21/2009	E-filing	Receipt # DC-18777-2009	Hightower, Rick W	(5.00)
09/22/2009	Transaction Assessment			8.00
09/22/2009	Cash	Receipt # DC-21511-2009	Balistreri-Amrhein, Darlene	(8.00)
09/20/2010	Transaction Assessment			2.00
09/20/2010	Cash	Receipt # DC-25848-2010	Balistreri-Amrhein, Darlene	(2.00)
10/08/2010	Transaction Assessment			2.00
10/08/2010	Transaction Assessment			1.00
10/08/2010	Payment	Receipt # DC-27922-2010	Balistreri-Amrhein, Darlene	(3.00)
02/22/2011	Transaction Assessment			5.00
02/22/2011	Payment	Receipt # DC-05842-2011	Balistreri-Amrhein, Darlene	(5.00)
08/23/2011	Transaction Assessment			712.50
08/23/2011	Payment	Receipt # DC-29176-2011	Balistreri-Amrhein, Darlene	(712.50)

EXHIBIT K-2

CAUSE NO. 296-01145-2008

DARLENE BALISTRERI-AMRHEIN,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
vs.	§	
	§	
REMAX REALTY, SALLY DARNELL,	§	
KELLY CALKINS, BILL WILLIAMS,	§	
LAUREN PALMER, JERRY REICHERT,	§	
LORI REICHERT, REPUBLIC TITLE	§	COLLIN COUNTY, TEXAS
OF TEXAS, FIRST AMERICAN TITLE	§	
INSURANCE COMPANY, AMERICAN	§	
HOME SHIELD OF TEXAS, INC.,	§	
AARON MILLER, STONEBRIDGE	§	
RANCH HOA, NEWLAND	§	
COMMUNITIES, AND RIT	§	
MANAGEMENT COMPANY,	§	
	§	
Defendants.	§	296th JUDICIAL DISTRICT

**ORDER ON DEFENDANTS' NEWLAND COMMUNITIES, REPUBLIC TITLE
OF TEXAS, AND FIRST AMERICAN TITLE INSURANCE COMPANY'S
MOTION TO STRIKE PLAINTIFF'S NINTH AMENDED PETITION**

On September 22, 2010, Defendants Newland Communities, Republic Title of Texas, and First American Title Insurance Company's (collectively referred to herein as the "Defendants") Motion to Strike Plaintiff's Ninth Amended Petition (the "Motion") came on to be heard. The Plaintiff appeared in person and Defendants appeared through their counsel. After considering the Motion, the pleadings on file, and the arguments of the Plaintiff and counsel, the Court is of the opinion that the Motion should in all things be GRANTED.

IT IS THEREFORE ORDERED that Defendants' Motion to Strike Plaintiff's Ninth Amended Petition and any subsequent petitions filed by Plaintiff is GRANTED.

IT IS FURTHER ORDERED THAT the all claims against all Defendants are dismissed with prejudice to the refiling of same.

SIGNED on September 22, 2010.



JUDGE PRESIDING

EXHIBIT K-3

NO. 296-01145-2008

DARLENE BALISTRERI-AMRHEIN ET AL

IN THE DISTRICT COURT

VS

296TH DISTRICT COURT

JERRY M. RIECHERT ET AL

COLLIN COUNTY, TEXAS

ORDER DENYING MOTION FOR NEW TRIAL

BE IT REMEMBERED that on this day the Plaintiff's Motion for New Trial, Objections to Sept. 22, 2010 Dismissal Order, Hearings & 52 Exhibits was considered by the Court. The Court having reviewed the Motion finds that the Motion should be denied.

It is therefore ORDERED, ADJUDGED AND DECREED that the Plaintiff's Motion for New Trial should be DENIED.

SIGNED this 4th day of October, 2010.



JOHN R. ROACH, JR.
Judge Presiding

EXHIBIT K-4

original

CAUSE NO. 296-01145-2008

DARLENE BALISTRERI-AMRHEIN,
DARLENE BALISTRERI-AMRHEIN AS
COURT APPOINTED LEGAL GUARDIAN
NEXT FRIEND FOR ANTHONY J. BALISTRERI
& ANTHONY J. BALISTRERI, Individually
Plaintiffs,

IN THE DISTRICT COURT

VS.

JERRY M. RIECHERT & LORI K. RIECHERT
REMAX NORTH CENTRAL REALTY, ET AL
SALLY DARNELL, KELLY CALKINS
BILL J. WILLIAMS, LAUREN PALMER
REPUBLIC TITLE OF TEXAS, FIRST
AMERICAN TITLE INSURANCE COMPANY
AHI, INSPECTOR AARON D. MILLER,
STONEBRIDGE RANCH ASS'N HOA,
NEWLAND COMMUNITIES, THOMAS MURPHY
ET AL, MURPHY HOMES GROUP AND
RTI MANAGEMENT COMPANY ET AL
Defendants,

296TH DISTRICT COURT

COLLIN COUNTY, TEXAS

NOTICE OF APPEAL & DOCKET STATEMENT

COMES NOW, Plaintiff Darlene Balistreri-Amrhein and Anthony J. Balistreri to file Notice of Appeal in Cause Number 296-01145-2008 and as it relates to Severance Number 296-04897-2009 in the above styled and number causes that was in the 296th District Court, Judge John Roach presiding. The date of the final judgment being Appealed is September 22, 2010 and Appeal of all Orders as it relates to these cause numbers & docket statement is provided herein.

Plaintiff Darlene Balistreri-Amrhein and Plaintiff Anthony J. Balistreri as individual & joint parties desire to Appeal this Final Judgment Order and all Orders contained in this original Cause No. 296-01145-2008 and interwoven Severance Number 296-04897-2008.

This Appeal is to the Fifth District Court of Appeals of Texas at Dallas.

Anthony J. Balistreri is a party affected by this September 22, 2010 Final Judgment Order, but was not allowed to participate either in person or by counsel, because Judge Roach claimed he had to commit a crime to have court appointed legal representation due to being a Probate Court Ordered incompetent and incapacitated person. Judge Roach(motion to recuse) by favor of Judge Oldner, denied both Plaintiffs "indigent status" because of them being sick without any examination of any financial records to prevent Appeals.

10 OCT 20 PM 2:48

HANNAH KUGLE
DISTRICT CLERK
COLLIN COUNTY, TEXAS
[Signature]

1595

Plaintiffs / Appellants are filing this Notice of Appeal timely from this September 22, 2010
Final Judgment Order with Plaintiffs / Appellants attached verifications.

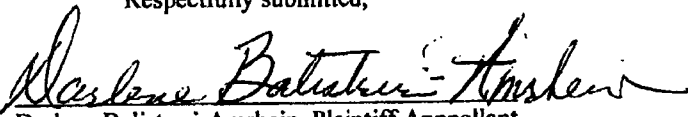
The Final Judgment Order is attached as Exhibit A and all parties to this lawsuit have been
served with Notice of Appeal which include the following individual parties:

1. Jerry Riechert through Attorney Barry Fanning at 4849 Greenville Ave.
1300, Dallas, Texas 75206;
2. Lori Riechert through Attorney Barry Fanning at 4849 Greenville Ave.
1300, Dallas, Texas 75206;
3. Re Max North Central Agency through Attorney J. Kent Newsom, 6465 E. Mockingbird
Lane, # 450, Dallas, Texas 75214;
4. Sally Darnall, through Attorney J. Kent Newsom, 6465 E. Mockingbird Lane, # 450, Dallas,
Texas 75214;
5. Kelly Calkins, through Attorney J. Kent Newsom, 6465 E. Mockingbird Lane, # 450, Dallas,
Texas 75214;
6. Lauren Palmer, through Attorney J. Kent Newsom, 6465 E. Mockingbird Lane, # 450,
Dallas, Texas 75214;
7. Bill J. Williams through Attorney J. Kent Newsom, 6465 E. Mockingbird Lane, # 450,
Dallas, Texas 75214;
8. Republic Title of Texas, Inc. through Attorney Rick Hightower at 1700 Pacific Ave.
4450, Dallas, Texas 75201;
9. First American Title Insurance Company, through Attorney Hightower, 1700 Pacific Ave.
4450, Dallas, Texas 75201;
10. AHI & Aaron Miller through Attorney Carl Adams, 6060 N. Central Expressway,
660, Dallas, Texas 75206;
11. Stonebridge Ranch Association through Attorney Pamela Montgomery, 2800 Post Oak
Blvd., 57th Floor, Houston, Texas 77056;
12. RTI / CMA Management Company through Attorney Pamela Montgomery, 2800 Post
Oak Blvd., 57th Floor, Houston, Texas 77056;
13. Newland Communities through Attorney Richard Abernathy, 1700 Redbud Blvd. # 300,
McKinney, Texas 75069;
14. Murphy Homes Group no representation, Registered Agent Thomas Murphy 6700
Magnum Plano, Texas 75024;
15. Thomas Murphy et al no representation, Registered Agent Thomas Murphy 6700 Magnum,

Plano, Texas 75024.

Plaintiffs / Appellants are also filing a docket statement with all issues before the Court of Appeals. Plaintiffs / Appellants Pray For Fairness, Due Process and Justice!

Respectfully submitted,


Darlene Balistreri-Amrhein, Plaintiff Appellant



Anthony J. Balistreri, Plaintiff / Appellant
(incompetent & incapacitated joint party)

EXHIBIT K-5

Case:

05-10-01347-CV

Date Filed:

10/21/2010

Case Type:

Miscellaneous civil

Style:

Balistreri-Amrhein, Darlene and Anthony Balistreri

v.:

Riechert, Jerry M. & Lori Riechert, et al

Orig Proc:

No

Transfer From:

Transfer In:

Transfer Case:

Transfer To:

Transfer Out:

Pub Service:

APPELLATE BRIEFS

1599

Date	Event Type	Description	Document
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Date	Event Type	Description	Document
No briefs.			

CASE EVENTS

Date	Event Type	Disposition	Document
07/06/2011	Order entered	Consolidated/Voids	
07/06/2011	Memorandum issued	opinion Motion or Writ Denied	
10/21/2010	Notice of appeal filed in court of appeals		

CALENDARS

Set Date	Calendar Type	Reason Set
07/06/2011	Case Stored	Case stored

PARTIES

Party	PartyType	Representative
No Party.		

TRIAL COURT INFORMATION

Court
 296th Judicial District Court
 County
 Collin
 Court Judge

 Court Case
 296-01145-2008
 Reporter